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For any queries, contact:

Publications Section of the
Centre for Disarmament Affairs
Room 3151, United Nations,
New York, NY 10017
Tel: (212) 963-7714 or 7706
Fax: (212) 963-1121
or see home page at address:
http://www.un.org/Depts/dpa/cda/
CDAPblcn/12e.htm
or E-mail:
<cassandra@un.org>at INTERNET
<cooperc@un.org> at INTERNET

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The Future of the Comprehensive Nuclear-Test-Ban Treaty

Ensuring the CTBT's Implementation

Wolfgang Hoffmann

The Comprehensive Nuclear-Test-Ban Treaty (CTBT) bans all nuclear-weapon test explosions and all other nuclear explosions. It was opened for signature on 24 September 1996 at the United Nations in New York. Two weeks earlier, on 10 September 1996 it was endorsed by 158 votes to 3, with 5 abstentions in the United Nations General Assembly.[1] As of October 1997, the Treaty has been signed by 148 States, including China, France, the Russian Federation, the United Kingdom and the United States. It has been ratified by seven States.

History

By endorsing the CTBT, the Assembly brought to fruition the negotiations that had begun at the Conference on Disarmament (CD) nearly three years before, ending a 40-year campaign for a ban on nuclear-test explosions. The test-ban

Wolfgang Hoffmann is Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in Vienna.

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treaty has been an item on the nuclear disarmament and arms control agenda since the 1950s. It was first promoted in 1954 by the Prime Minister of India, Jawaharlal Nehru, when Great Britain joined the United States and the former Soviet Union in conducting explosive nuclear tests. Public opinion reacted strongly to atmospheric testing and concerns were voiced about health and environmental damage as well as nuclear proliferation.

The first serious negotiations on a total ban were undertaken in 1958 by President Eisenhower and Chairman Khrushchev. In 1963, an attempt by Great Britain, the former Soviet Union and the United States to conclude a CTBT failed over disagreement about the issue of verification. Instead, the three settled on a Partial Test-Ban Treaty[2] (PTBT) banning nuclear explosions in the atmosphere, under water and in outer space. The parties to that Treaty did not foresee any verification mechanisms. Instead they relied on their own national technical means to monitor the compliance of other nuclear-weapon States.

As a result, the three nuclear-weapon States went underground with their tests. However, France and China continued testing in the atmosphere, until 1974 and 1980 respectively. Pressure towards concluding a comprehensive nuclear-test ban continued—"comprehensive" meaning a ban on all nuclear explosive testing, including underground testing.

In 1968, the preamble of the Nuclear Non-Proliferation Treaty[3] reiterated the intent formulated in the PTBT "to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end". In 1974, the Threshold Test-Ban Treaty and, in 1976, the Peaceful Nuclear Explosions Treaty limited the size of an underground nuclear explosion to 150 kilotons. At the Fourth Review Conference of the Nuclear Non-Proliferation Treaty in 1990, as NPT States parties began to prepare for

1995 when the decision on extending the Treaty would be taken, a firm commitment to open negotiations on a CTBT was called for.

The absence of explosive testing...seriously constrains the possibility of perfecting new designs.

Agreement on a negotiating mandate for an ad hoc committee on a nuclear-test ban was reached at the CD in 1993. The mandate, "to negotiate intensively a universal and multilaterally and effectively verifiable comprehensive nuclear test ban treaty, which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security" was formally adopted[4] in January 1994 and negotiations commenced. They were finally concluded in the summer of 1996. The text that emerged, as is well known, did not satisfy the concerns of all parties involved. This was reflected in the procedure necessary to conclude the negotiations at the Conference and to transmit the draft text to the General Assembly.[5] In the CD, the vast majority of negotiators supported the text and agreed that reopening the negotiations had the potential of destroying the delicate balance that it represented. This support became apparent when Australia requested the resumption of the 50th session of the General Assembly[6] and submitted a draft resolution[7] that received the support of 127 co-sponsors. The purpose of the resolution was to adopt the treaty[8] and request the Secretary-General, as its depositary, to open it for signature and to call upon all States to become parties to it. The resolution was overwhelmingly adopted on 10 September 1996 by 158 votes in favour, 3 against (Bhutan, Cuba and India) and 5 abstentions (Lebanon, Libyan Arab Jamahiriya, Mauritius, Syria and Tanzania).

Scope

The Test-Ban Treaty bans (article 1) any nuclear-weapon-test explosion or any other nuclear explosion. It is "comprehensive" in the sense that it bans nuclear-test explosions in all environments, that is, explosions long since banned in the atmosphere, under water and in space are now prohibited underground as well.

The CTBT ends realistic testing of the functioning of nuclear weapons. Its goal is to halt the development of new weapons of mass destruction by imposing a global ban on nuclear explosions. The development of new types of nuclear arms requires numerous test explosions and, when flaws come to light, design improvements. The absence of explosive testing sharply increases the odds of failure and seriously constrains the possibility of perfecting new designs.

The Treaty constrains the development of ever more sophisticated and qualitatively new nuclear weapons.

The Treaty thus adds to and reinforces the nuclear non-proliferation regime established and verified under the NPT. The NPT and its verification regime aim at preventing the proliferation of weapon-grade fissile material; the CTBT and its verification regime aim at preventing the explosive testing of nuclear devices. But the CTBT does more. It not only constitutes an important contribution to the prevention of the proliferation of nuclear weapons, it also contributes to the process of nuclear disarmament. By putting an end to the only realistic way of testing the functioning of nuclear weapons, the Treaty constrains the development of ever more sophisticated and qualitatively improved nuclear weapons. Moreover, the Treaty gives a positive impetus to further implementation of the principles and objectives for nuclear non-proliferation

and disarmament adopted at the NPT Review and Extension Conference in 1995.

Properly monitored and enforced, the Test-Ban Treaty will contribute to ending the qualitative arms race and encourage much deeper cuts in nuclear arsenals than have been attempted thus far.

Verification system

The Treaty provides for its verification by founding the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), a permanent international organization with the task of building and running a global verification system. The verification regime includes an International Monitoring System (IMS) composed of seismological, radionuclide, hydroacoustic and infrasound monitoring stations. A global network of 321 monitoring stations to verify compliance with the Treaty will be established to monitor the atmosphere, underground and underwater environments. The locations of verification facilities have been carefully chosen so as to be able to guarantee equal and adequate global monitoring coverage. The verification regime also includes an International Data Centre (IDC) that will receive information from all the stations worldwide. Moreover, a consultation and clarification procedure, on-site inspections and confidence-building measures are set forth in the Treaty. These mechanisms and procedures will be carefully monitored and discussed by the organs of the CTBTO.

The Test-Ban Treaty will... encourage much deeper cuts in nuclear arsenals than have been attempted thus far.

Entry into force

The CTBT will enter into force—and the mechanisms and procedures described above will be fully applicable—180 days after the date of deposit of the instruments of ratification by the 44 States members of the CD that have nuclear reactors or nuclear research facilities on their territory as stipulated in article XIV of the Treaty. The entry into force clause was designed to include the five nuclear-weapon States (China, France, the Russian Federation, the United Kingdom and the United States) as well as India, Israel and Pakistan. Of the 44 States that are required to ratify the Treaty, the Democratic People's Republic of Korea, India and Pakistan have not signed it.

Article XIV, paragraph 2 of the Treaty provides that, if the Treaty has not yet come into force three years after the date of the anniversary of its opening for signature, those countries that have ratified it may hold a conference to consider and decide what measures may be taken to accelerate the ratification process in order to facilitate its early entry into force. That conference, to be expected in late 1999, will probably discuss different options to bring the Treaty to life by political or legal means.

Preparatory Commission

Concrete work to prepare for the implementation of the CTBT started immediately following its opening for signature. The States signatories decided to bridge the period till entry into force by cooperating in the framework of the Pre-

The mandate of the Preparatory Commission is to ensure that the verification regime of the Treaty is operational at the time of entry into force.

paratory Commission for the CTBTO. The basis for this cooperation is the "Text on the Establishment of the Preparatory Commission", which was negotiated under the auspices of the CD in parallel to the treaty negotiations and was approved by the States signatories on 19 November 1996 in New York.[9]

According to that document, the purpose of the Preparatory Commission is to carry out the necessary preparations for the effective implementation of the Treaty following its entry into force. The Preparatory Commission, which is located in Vienna and meets at regular intervals, has the status of an international organization. It comprises two bodies: a plenary body composed of all signatory States and the Provisional Technical Secretariat (PTS) headed by the Executive Secretary. The mandate of the Preparatory Commission is to ensure that the verification regime of the Treaty is operational at the time of entry into force. It will do so by building up the network of monitoring stations and by establishing the IDC. The host countries of the monitoring stations will cooperate with the Provisional Technical Secretariat in setting up and operating the various verification facilities. The IDC, where data from the individual monitoring stations are collected, will be established as part of the PTS in Vienna.

The progressive commissioning and operation of the IMS and the IDC are the main tasks of the Preparatory Commission for the years 1997 and 1998. The Commission will fully implement the provisions of the CTBT referring to the IMS and the IDC. In other words, the Preparatory Commission will run the verification system foreseen in the Treaty prior to entry into force. The work of its organs will thus exercise political pressure towards enforcing the end of explosive nuclear testing even before the ban in article 1 of the Treaty becomes legally binding.

It is hoped that the results of this work will convince non-signatory States, in particular the Democratic People's Republic of Korea, India, and Pakistan, of the significance of the CTBT and of the importance of the deliberations taking place in Vienna. In this respect, the Preparatory Commission already invited all non-signatory States, which are to have IMS facilities on their territories, to attend the meetings and the activities of the working groups of the Preparatory Commission. Signature of the Treaty and successive ratification of all States are necessary for making the CTBT regime a universal one. By signing and ratifying the CTBT and ensuring its entry into force, States will contribute significantly to collective international security.

The work of...(the Preparatory Commission)... will exercise political pressure towards enforcing the end of explosive nuclear testing even before the ban...becomes legally binding.

Notes

1 A/RES/50/245 of 10 September 1996.

2 United Nations, *Treaty Series*, vol. 480, No. 6964.

3 United Nations General Assembly resolution 2373 (XXII).

4 CD/1238 of 25 January 1994.

5 Letter dated 22 August 1996 from the Permanent Representative of Belgium addressed to the President of the Conference transmitting the text of a Draft Comprehensive Nuclear Test-Ban Treaty, CD/1427 of 22 August 1996.

6 A/50/1024 of 22 August 1996.

7 A/50/L.78 of 6 September 1996.

8 Letter dated 22 August 1996 from the Permanent Representative of Australia to the United Nations addressed to the Secretary-General, A/50/1027 of 26 August 1996, to which was annexed the draft treaty identical to that contained in CD/1427 submitted by Belgium.

9 Meeting of States Signatories, resolution establishing the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, CTBT/MSS/Res. 1, adopted on 19 November 1996.

The CTBT: A Step Towards a Nuclear-Free World

Chusei Yamada

A landmark event in the field of nuclear disarmament took place at the United Nations in New York on 24 September 1996 when the representatives of seventy-one States signed the Comprehensive Nuclear-Test-Ban Treaty (CTBT), adopted just two weeks earlier by an overwhelming majority in the General Assembly. All five nuclear-weapon States were represented. President Clinton of the United States, the foreign ministers of the other four nuclear-weapon States and Prime Minister Ryutaro Hashimoto of Japan were among the first to sign the Treaty.

The Treaty may, however, not come into force. India, whose adherence is required for the Treaty to become legally binding, has made it unmistakably clear that it will not become party to it. In its view, the Treaty lacks a concrete time-frame for a programme to abolish nuclear weapons and is therefore inherently discriminatory towards non-nuclear-weapon States.

Chusei Yamada was Permanent Representative of Japan to the Conference on Disarmament from 1986 to 1989. He is a member of the United Nations International Law Commission, Professor of International Law at Waseda University in Tokyo and a Special Assistant to the Minister for Foreign Affairs.

This article is based on a presentation made at the United Nations Conference on a "New Agenda for Disarmament and International Security", Sapporo, Japan, 22–25 July 1997. The views expressed in this article are entirely the author's and do not necessarily represent those of any organization with which he has been affiliated.

Even with this setback, the signing of the Treaty by most other States was an important milestone, providing the political constraints necessary to put an end to nuclear testing. The Treaty has already been signed by 148 States and Japan was the fourth to ratify it. The Treaty will almost certainly receive rapid and near universal accession. It will become extremely difficult for any State to challenge the determination of such a large majority of the world community and conduct nuclear testing again. The underground nuclear test conducted by China at the Lop Nor test site on 29 July 1996 thus most probably marked the end of the fifty-one-year history of explosive nuclear tests. It has been estimated that there was a total of 2,049 nuclear tests during the last half century.

Nuclear tests (1945–1996)

State	Number of tests
United States	1,032
the former Soviet Union	715
France	210
China	46
United Kingdom	45
India	1

Note: India carried out its only underground test in the desert of Rajasthan in 1974 and announced that it was for peaceful purposes.

Nuclear tests

The United States exploded the first nuclear device at Alamogordo Desert in New Mexico on 16 July 1945. Less than a month after the test, two atomic bombs were dropped on the cities of Hiroshima and Nagasaki. The end of the scourge of the Second World War brought the dawn of the nuclear age. The madness of the nuclear arms race that followed led to the present situation of "overkill". There have been more than enough nuclear weapons stockpiled to annihilate the entire

human race. For fifty years mankind has endeavoured to meet the challenges and overcome the fear that the nuclear age has brought.

In 1946, the United States carried out two tests at Bikini Atoll in the Marshall Islands, one in the atmosphere and the other under water, in order to evaluate the effects of atomic bombs on naval vessels. The nuclear monopoly of the United States, however, was soon to be lost. The first Soviet atomic bomb test was conducted in July 1949, but it was not widely known until September 1949, when the United States announced that it had detected the test.

In order to maintain supremacy in nuclear weapons, the United States decided in January 1950 to manufacture a hydrogen bomb. The first explosion of a hydrogen bomb was carried out at Eniwetok Atoll in the Marshall Islands on 1 November 1952. It was a 3-megaton bomb, approximately three hundred times more powerful than the atomic bomb dropped on Hiroshima. The Soviet Union caught up and, within nine months, in August 1953, carried out its first hydrogen bomb test. The United Kingdom also started its own test programme. The first United Kingdom test was at the Montebello Islands in Australia, in 1952, and a hydrogen bomb was tested at Christmas Island in the Pacific, in 1957. France and, lastly, China also joined the nuclear club. China exploded its first nuclear device in the atmosphere on 16 October 1964. Competition to develop nuclear arms resulted in more tests of higher-yield bombs and precipitated a viciously spiralling arms race.

The first explosion of a hydrogen bomb...was approximately three hundred times more powerful than the atomic bomb dropped on Hiroshima.

Worldwide concern

The United States hydrogen bomb test at Bikini Atoll on 1 March 1954 alarmed the world. The test device was a 15-megaton bomb. A Japanese fishing boat, No. 5 Fukuryu-maru (Lucky Dragon), received radioactive fallout 90 minutes after the detonation while sailing 80 nautical miles east of the atoll in the area that was outside the designated danger zone. The radioactive fallout later came to be known as "death ashes". It was estimated that the crew of the fishing boat was exposed to a fatal dose of 600 roentgens; a fisherman later died of leukemia, which is a typical symptom of radiation exposure. The waters of the Pacific and marine resources well outside the testing area were contaminated with radiation. Thousands of tons of fish had to be destroyed when unloaded at Japanese ports and the Japanese people strongly suspected radioactive contamination of their food supplies. This led to a nationwide movement in Japan against the nuclear tests.

As a result, scientists around the world became aware of the global radioactive effects caused by a series of tests. It was also discovered that the Soviet hydrogen bomb, tested a year before, had released a large amount of radioactive particles. Radioactive particles emitted by nuclear tests in the atmosphere had spread over the earth. Proponents of nuclear tests claimed that the radiation caused by tests was within the maximum permissible dose and that there was negligible harm to human health. That argument, however, did not convince the general public. Neither the short-term nor the long-term harmful effects were known precisely, and above all, the concept of what was "permissible" was based on a determination of the balance between the benefits and demerits of the particular issue. As the general public in the

Scientists around the world became aware of the global radioactive effects caused by a series of tests.

non-nuclear-weapon States could not see any benefits accruing to them from such tests, the concept of permissibility was meaningless for them.

The cessation of nuclear-weapon tests became a prime objective of the United Nations in the mid-1950s. Interest in the issue was first aroused as the world became aware of the harmful nature and effects of radioactive fallout from atmospheric nuclear tests and as it became apparent that no region could be spared the harmful effects of radioactive debris. The test-ban issue was subsequently pursued either as an element of a comprehensive plan for nuclear disarmament, as a separate measure linked with progress in other nuclear disarmament issues, or as a nuclear disarmament issue on its own. The nuclear-test ban has been an independent item on the agenda of every session of the General Assembly since 1957. The Assembly has devoted more of its time to its consideration, and adopted far more resolutions on it, than any other disarmament issue. Over the years, increasing pressure was brought to bear on nuclear-weapon States by resolutions that deplored, condemned, and called for an early end to the tests.

The Assembly has devoted more of its time to consideration of the test-ban issue, and adopted far more resolutions on it, than any other disarmament issue.

Partial test ban

In 1961, two proposals were made for a comprehensive agreement on the cessation of nuclear tests: one by the United States and the United Kingdom, the other by the Soviet Union. In 1962, the Conference of the Eighteen Nation

Committee on Disarmament (ENDC)[1] convened in Geneva for the first time. Its first task was to establish a subcommittee that consisted of representatives of those three nuclear Powers and called upon them to consider proposals with a view to formulating a treaty on the discontinuance of nuclear-weapon tests. It is important to note that the proposals under consideration referred to a comprehensive test ban.

The basic position of the United States and the United Kingdom was to ban nuclear tests in all environments with effective and compulsory verification. They proposed that there should be provisions for a quota of mandatory on-site inspections in the case of suspicious underground events because seismic stations could not identify all nuclear tests. As an alternative, the United Kingdom and the United States proposed a test ban without verification in the three non-controversial environments: the atmosphere, outer space and under water. The Soviet Union opposed mandatory on-site inspections and maintained that States had sufficient means to detect and identify all underground tests. As additional guarantees for the effectiveness of verification, the Soviet Union proposed the use of automatic seismic stations ("black boxes"). The Soviet Union rejected a partial treaty but was not opposed to considering such a treaty if underground tests were voluntarily suspended until a final solution was reached. Other members of the ENDC, the non-aligned members in particular, offered various measures to break the impasse on the question of verification, including an international scientific commission.

...the United Kingdom and the United States proposed a test ban without verification in the three non-controversial environments: the atmosphere, outer space and under water.

But the differences between the two sides were too great to reach a compromise.

For the Soviet Union insistence on on-site inspection made an underground ban impossible, but it was prepared to sign a limited treaty.

The negotiations were taken out of the ENDC and, in June 1963, the three nuclear Powers announced that they had agreed to hold talks in Moscow in July. The Soviet Union said that the insistence by the United States and the United Kingdom on on-site inspection made an underground ban impossible, but that it would be prepared to sign a limited treaty. The Moscow negotiation began as scheduled and the Soviet Union did not insist on its previous demand that a partial test ban be accompanied by a moratorium on underground testing. The Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water was signed in Moscow on 5 August 1963 by the foreign ministers of the three nuclear-weapon States in the presence of the United Nations Secretary-General, U Thant. It became known as the Partial Test-Ban Treaty (PTBT). France and China did not become party to it and continued to carry out atmospheric tests after the Treaty's entry into force. China conducted atmospheric tests as late as 1980.

Appraisal of the PTBT

The PTBT not only reflected but also contributed to an improvement in international relations, and was an important step towards a comprehensive nuclear-test ban. It was welcomed by virtually all States and received wide acceptance. Nuclear testing had two distinct consequences: (*i*) it contaminated the global environment and (*ii*) it

contributed to the development of nuclear weapons. The PTBT was more relevant to the first of these two aspects and largely freed people from fears about health and the genetic harm that nuclear tests could cause for future generations. The Treaty's restriction of testing to the underground environment placed some physical constraints on the numbers and the size of the tests. Because it did not ban all testing, the PTBT was not an effective nuclear disarmament instrument.

Were the three nuclear Powers really prepared to have a comprehensive nuclear-test ban when they originally proposed it? Were their differences of opinion on the question of verification genuine? In my opinion, the answer to both those questions became clear: both sides conducted intensive underground test programmes for almost 30 years after the signing of the PTBT. Aware that they could not go on contaminating the earth with atmospheric tests, they were, nevertheless, confident that underground tests would provide them with necessary data for the development of their nuclear arsenals.

Untiring efforts for the CTBT (1964–1990)

Soon after the adoption of the PTBT, the ENDC initiated consideration of a comprehensive test ban, relying on the provisions of the preamble of the PTBT that sought to achieve the discontinuance of all test explosions of nuclear weapons for all time. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) of 1968 also reconfirmed this objective. Those efforts were backed by the General Assembly, in particular through the holding of three special sessions on disarmament. This was a long period of frustration for the promoters of a comprehensive ban. The nuclear arsenals of the East and the West were at their highest levels; weapons with increased yields were developed and underground tests were frequent.

The principal obstacle to achieving a test ban throughout the period was the difference in position over what

would constitute a satisfactory verification regime to ensure compliance with a prohibition on underground nuclear tests. The former Soviet Union continued to maintain that any suspected violation of the ban could be adequately verified by "national technical means (NTM)" available to all States, combined with international measures such as exchanges of data on seismic events. The United States, on the other hand, consistently maintained that while NTM might be sufficient for detecting, locating and identifying tests of relatively large magnitude, certain tests of lesser magnitude but still militarily significant could not always be adequately distinguished from earthquakes or other seismic events. Other issues raised were the need for all five nuclear-weapon States, France and China included, to participate in the ban, and the question of prohibiting peaceful nuclear explosions (PNEs).

The principal obstacle to achieving a CTBT...was the difference over what would constitute a satisfactory verification regime to ensure compliance with a prohibition on underground nuclear tests.

While some steps were taken bilaterally between the United States and the Soviet Union, such as the 1974 Treaty on the Limitation of Underground Tests (TTBT) and the 1976 Treaty on Underground Nuclear Explosions for Peaceful Purposes (PNET), both of which limited the threshold yield to 150 kilotons, little progress was made on the substance of negotiations. In 1976, it was announced that trilateral negotiations among three nuclear Powers (Soviet Union, United Kingdom and United States) would start and there were indications of substantial progress towards a comprehensive agreement. Despite the apparent progress, the negotiations were suspended in 1980. Meanwhile, the Com-

mittee on Disarmament (successor to the ENDC) continued to work through the Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events (AHGSE), which was to eventually provide the core of the verification system for the CTBT.

Debate in the Conference on Disarmament (CD) (successor to the Committee on Disarmament) and empirical evidence disclosed that the nuclear Powers were not ready to give up nuclear tests: they were an important means of ensuring and enhancing the effectiveness of their nuclear arsenals. They claimed publicly that nuclear tests were necessary—with the argument that they were required to maintain the effectiveness and safety of existing nuclear stockpiles—to upgrade and design new warheads and to keep nuclear physicists employed.

While some steps were taken bilaterally between the United States and the Soviet Union...little progress was made on the substance of negotiations.

Those were precisely the reasons why Japan supported a comprehensive test ban: it represented a meaningful disarmament measure that would make it difficult for nuclear-weapon States to maintain their stockpiles and force them to reduce their arsenals. The main issue in the CD was no longer a technical question of verification but a matter of political will.

In 1984, Foreign Minister Shintaro Abe of Japan suggested that in order to break the impasse on the issue of verification, the CD should make an in-depth study of a"step-by-step" formula. Under that formula, the yield of underground nuclear-test explosions considered technically verifiable on a multinational basis would be set as the

threshold, and agreement should be reached on banning explosions of a yield above that threshold. Thereafter, the threshold would be lowered as the verification capability improved. The idea of limiting the yearly numbers of tests was also floated. The step-by-step proposal received varied reactions: support, in principle, on the one hand, and caution, on the other hand, because of apprehensions that such a formula might postpone the achievement of the final comprehensive ban.

Meanwhile, the United States and the Soviet Union placed priority on the abolition of intermediate and shorter-range nuclear forces (INF) and their bilateral talks on the reduction of strategic arms (START I). It took until 1990 for the CD to establish an Ad Hoc Committee on a Nuclear Test Ban and to start debate on a CTBT.

In the 1980s, the main issue in the CD was no longer a technical question of verification but a matter of political will.

Amendment Conference of the PTBT

The Fourth Review Conference of the NPT, in 1990, failed to produce a final document because of sharp disagreement on the test-ban issue. Those States that were dissatisfied with the lack of progress resorted to the procedures for amending the PTBT: to convert the partial test-ban Treaty to a comprehensive nuclear-test-ban treaty through its amendment process. At the request of more than one third of the parties to that instrument, an Amendment Conference was convened in New York from 8 to 17 January 1991. However, due to the divergent positions on the practicality of amending the PTBT and the fact that consideration of a comprehensive ban was about to start in the CD, no consensus was reached on an agenda or on any extension, reconvening or resumption of the

Amendment Conference. It has always been my belief that the issue of a comprehensive test ban must be tackled squarely and not through the back door. I sincerely doubt that the PTBT amendment approach had any serious impact on the issue.

Comprehensive test ban

The final stage was being set. In a crucial development in 1993, the CD decided to give the Ad Hoc Committee on a Nuclear Test Ban a mandate to negotiate a CTBT. France participated for the first time.

The issue of a comprehensive test ban was highlighted during the 1995 NPT Review and Extension Conference; indeed, it was an essential element in the overall package on the Treaty's indefinite extension. The Review Conference agreed that completion of negotiations on a CTBT by the CD no later than 1996 would be a step towards implementation of article VI of the NPT and that, pending the entry into force of a CTBT, the nuclear-weapon States should exercise utmost restraint. In the event, France and China did not adhere to this latter commitment.[2]

The intensive negotiations in the CD produced a voluminous rolling text of a draft treaty with more than 1,200 brackets around parts not agreed upon. The consensus rule of the Conference prevented the adoption of the Cha[illegible]n's text of the treaty by the end of its 1996 summer session, the deadline date set by the Review and Extension Conference of the NPT.

On 9 July 1996, the International Court of Justice in The Hague handed down its advisory opinion,[3] upon request of the General Assembly, on the legality of the threat or use of nuclear weapons. In its opinion, the Court appreciated the full importance of the recognition of an obligation to negotiate nuclear disarmament in good faith, as stipulated in article VI of the NPT. The legal import of that obligation goes beyond a mere obligation of conduct; the obligation involved is to

achieve a precise result—that of nuclear disarmament in all its aspects—by adopting a particular course of conduct, namely, the pursuit of negotiations on the matter in good faith. This two-fold obligation to pursue and to conclude negotiations formally concerns all 185 States that are parties to the NPT. The decision of the Court was quite relevant to the issue of a comprehensive nuclear-test ban, as the NPT reaffirms the goal of such a ban.

The spotlight shifted from the CD to the General Assembly. Before the closure of its fiftieth session on 10 September 1996, the Assembly voted to adopt the text of the Comprehensive Nuclear-Test-Ban Treaty. The result of the vote was 158 in favour, 3 against (Bhutan, India and Libyan Arab Jamahiriya) with 5 abstentions.

In contrast to the very concise PTBT, which consists of only five articles and has no verification regime, the CTBT is voluminous, consisting of seventeen articles with 170 paragraphs, two annexes to the Treaty, a protocol and two annexes to the protocol. The Treaty prohibits all nuclear tests in any environment. It provides for the establishment of the CTBT Organization in Vienna, and an intricate verification regime, including an international monitoring system and on-site inspections. The core of the monitoring system is to be seismic detection. For the Treaty to come into effect, it must be ratified by 44 States listed in Annex 2, which includes India.

Future of the CTBT

From a technological point of view, the CTBT will most likely not place unbearable constraints on the nuclear programmes of nuclear-weapon States. They have accumulated enough data to maintain their nuclear capabilities. Scientific and technological advances, computer simulations and so-called "cold" tests in the laboratory permit them to upgrade and modernize their nuclear arsenals. The political

importance of the CTBT, nevertheless, should not be underestimated.

As stated at the outset, the CTBT as it currently stands will not come into force because of India's non-adherence. India's position is clear. In calling for an early abolition of nuclear weapons, India deserves respect.

From a technological point of view, the CTBT will most likely not place unbearable constraints on the nuclear programmes of nuclear-weapon States.

It is my view that the negotiators should never have insisted on the requirement of the ratification of 44 States in order for the Treaty to come into force. An overwhelming majority, that is, 39 of the non-nuclear-weapon States specified, are parties to the NPT. They are already under legal obligation not to possess any nuclear explosive device. Though they could, of course, make significant contributions to the CTBT by assisting in implementing the verification regime, it is not they but the five nuclear-weapon States that must undertake the central obligation of the CTBT: forgoing nuclear tests. It should be recalled that the PTBT came into force with the requirement of ratifications of only three nuclear Powers—the Soviet Union, the United Kingdom and the United States.

It is most certain that the Treaty will not be in force three years after its signing and that a conference of those States that will have ratified it by then will be held in accordance with article XIV, paragraph 2 in or after September 1999.[4] The best way out seems to be for such a conference to adopt a protocol to bring into force the CTBT among those States that will have ratified it, provided that all the five nuclear-weapon States are included. Non-adherence by India or by other non-nuclear-weapon States should not pose, in my

view, any significant threat to the nuclear-weapon States that have accumulated vast nuclear technological data. The legal undertaking of the CTBT obligation by the nuclear-weapon States does in fact put enormous pressure on any non-nuclear-weapon State not to defy the CTBT. In the unlikely event of a nuclear test by an outsider of the CTBT, the nuclear-weapon States can always resort to article IX, paragraph 2, and free themselves from obligation to the CTBT.[5] What is politically important is to bring the CTBT into force as early as practically possible.

Conclusion

The CTBT is not an end in itself. It is a step, a peripheral step, towards a nuclear-free world. The "right" path of nuclear disarmament is none other than a straight reduction of nuclear arsenals. The nuclear-weapon States have a special responsibility to implement article VI of the NPT. The non-nuclear-weapon States party to the NPT also have the right to participate in realizing such objective.

Disarmament is a means by which we create a safer and more stable world. Utmost care must be exercised not to destroy the precarious military balance upon which global security is grounded. Reduction and abolition of nuclear weapons, particularly the still massive explosive power of the major nuclear-weapon States, is only possible through a step-by-step approach. However, an argument can be made for a rapid and total elimination of so-called independent nuclear forces. As long as they exist, there is a temptation for other States to acquire the same.

Mankind has unfortunately acquired the knowledge of nuclear weapons. It will not be possible to erase it from the human brain. There is always a danger that an unauthorized person may gain the possession of a nuclear weapon. We must organize ourselves in order to cope with that possibility.

Notes

1 Established in 1962 as a result of an agreement between the USSR and the United States endorsed by the General Assembly. Members of the ENDC were: Brazil, Bulgaria, Burma, Canada, Czechoslovakia, Ethiopia, France, India, Italy, Mexico, Nigeria, Poland, Romania, Sweden, USSR, United Arab Republic, United Kingdom and United States.

2 France exploded its last nuclear test on 27 January 1996 and China on 29 July 1996.

3 Advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons. A/51/218, 15 October 1996.

4 Article XIV, paragraph 2, of the Treaty reads: "If this Treaty has not entered into force three years after the date of the anniversary of its opening for signature, the Depositary shall convene a Conference of the States that have already deposited their instruments of ratification upon request of a majority of those States. That Conference shall examine the extent to which the requirement set out in paragraph 1 has been met and shall consider and decide by consensus what measures consistent with international law may be undertaken to accelerate the ratification process in order to facilitate the early entry into force of this Treaty."

5 Article IX, paragraph 2 of the Treaty reads: "Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests."

CTBT: Towards Its Entry into Force

Andrea Faulkner

The Comprehensive Nuclear-Test-Ban Treaty (CTBT) was negotiated in the Conference on Disarmament (CD) in Geneva, adopted by the United Nations General Assembly in New York on 10 September 1996, and opened for signature on 24 September 1996. The negotiations took less than three years. But, they were difficult. They were difficult because the obligations assumed by States signatories under the Treaty would impact—in a variety of ways—upon their fundamental security interests. And the negotiations were complex because the final Treaty document would contain a blueprint for an international regime which, with the analysis of data from four technologies, and provision for the conduct of on-site inspections, would verify that States party to the CTBT were complying with the basic obligation not to conduct nuclear explosions.

This paper focuses on article XIV of the Treaty concerning entry into force (EIF). This article will doubtless be a matter for study and debate for many years to come, both for the intriguing manner of its negotiation and for the

Andrea Faulkner is CTBT Executive Officer in the Peace, Arms Control and Disarmament Branch of the Department of Foreign Affairs and Trade of Australia since January 1995.

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potential ramifications its conditions have for the future of the regime designed to implement the CTBT. This paper looks at what the various options were for the EIF formula and the process by which the final outcome was reached, and assesses future implications and objectives for international action.

The options

From the beginning of the negotiations, a series of options, ranging from simple to complex, existed for how the CTBT should come into force. They reflected a mixture of concerns, but came down to two fundamental (and unfortunately conflicting) views: that all "key" States should ratify the Treaty before EIF; and that EIF should not be blocked by a delay in ratification by any individual State. Many variations were proposed, but they could be summarized into the following general types.

Specific list (EIF occurs once ratifications are lodged by all States on a specified list; often combined with a set number of ratifications)

A number of draft texts, including those produced before the negotiations actually began in the CD in early 1994, proposed that EIF occur when a certain number of countries, including the five nuclear-weapon States (NWS),[1] had ratified the Treaty. This formula was supported as sensible by many countries, including some of the NWS and some countries favouring the simple numerical formula (see below), not least because it was generally accepted that a Treaty could only emerge from the CD negotiations with the endorsement of all five NWS, and would be signed and ratified by them.

Other countries argued that they did not see the sense in requiring the definitive renunciation by some of the option to conduct nuclear explosions, without requiring a parallel commitment from all other States of concern. They argued

that if the CTBT was to be fully effective, it would have to include all "key" States that were, in addition to the five NWS, capable of testing and who were not already prohibited from doing so by virtue of being parties to an existing international agreement ("key" States in this context were recognized as all five NWS and the three so-called threshold States[2]).It was argued that there would be no point in EIF if the activities of the threshold States were not covered, and, in addition, that a "5+3" formula, as it became known, would exert the most effective pressure on the threshold States to join the regime.

Simple numerical formula (EIF is automatic once a set number of ratifications has been lodged)[3]

Proponents of the simple numerical formula placed prime importance on avoiding a situation where the Treaty's EIF could be "held hostage" by any one State, or group of States, and run the risk of not entering into force. They did not deny the desirability of having all "key" States within the Treaty regime. Nor did they deny that some countries would judge that their security interests may not be fully met without the parallel ratification of other countries, especially in their region. They argued, however, that States had the right to condition their ratifications any way they liked, and that right existed regardless of the Treaty provisions. For example, it was clear that the five NWS would probably wish to sign and ratify the Treaty in concert, but could arrange to do so among themselves. It was further argued that regardless of any EIF provision, there would inevitably be international pressure on States not yet party to the Treaty, and that the optimal method to induce countries to join the Treaty was not by backing them into a corner (which could be counterproductive), but by drawing them into an operational, effective, internationally recognized regime. The experience of the Nuclear Non-Proliferation Treaty was cited as an example of how a treaty could operate effectively and become an important international norm without optimal membership from the outset.[4]

Waivers, defaults, opt-outs

In an attempt to reconcile the differences between proponents of the above options, a variety of compromise formulas were designed to be attached to and soften more stringent (like the "5+3") formulas. For example:

—A simple numerical formula whereby EIF would occur automatically for all States that waived the specified conditions once a set number of ratifications with waivers had been lodged (States that chose not to exercise the waiver would not become States parties—that is, EIF would not occur for them—until all specified conditions, for example, a list of requisite ratifications, had been met).

—A waiver conference proposal, whereby provision could be made for the convening of a conference at which specified EIF requirements could be waived, provided all NWS had already lodged instruments of ratification, and provided all NWS plus a majority of other States that had ratified the Treaty so agreed.

—A "consensus waiver" arrangement that would entail the holding of a conference of ratifying States a set number of years after the Treaty had been opened for signature. At that point, those States could decide by consensus to have the Treaty enter into force if the initial EIF requirements had not been met. This could be accompanied by an opt-out provision that would allow any ratifying State to stand aside from the Treaty at that stage.

The negotiation

While the EIF options were discussed throughout the negotiations, the article was readily identified by most as a classic "end-game" issue, which would be hammered out as part of a final deal on the Treaty text. As the negotiations entered their final year in 1996,[5] no convergence of opinion was apparent. The complicated waiver formula included in the Australian Model Treaty Text tabled in the CD on

29 February[6] shows how difficult it was to draft a proposal that even approximated the middle ground between competing concerns.

Entry into force...was readily identified by most as a classic "end-game" issue...

The majority of countries were in favour of the simple numerical formula, seeing too many disadvantages to the possibility of the Treaty's implementation being "taken hostage" by any country for whatever reason, whether through apathy or national disagreement with aspects of the final Treaty text. Some "key" States preferred a set number of ratifications, including by the five NWS. At the same time, however, several "key" States were adamant that they would accept only a formula that required ratification by all five NWS and the three thresholds—the "5+3" formula.

The crunch came when the Chair of the negotiations, Ambassador Jaap Ramaker of the Netherlands, moved to table a draft text at the end of May 1996. Among all of the other decisions he had to make—for example, on the critical issue of how to allow the triggering of on-site inspections—he had to propose something for EIF. It was a very difficult decision. Although the draft the Chair eventually presented to delegations on 28 May[7] was only a first try, and intended as an indication of how the final Treaty text could look, it was inevitably a powerful signal to negotiators of where the Chair himself—who should have been in the best position to know—thought agreement between diametrically opposing views could be struck.

The Chair opted for the "5+3" formula. To avoid any hint of discrimination or special treatment, the eight States were not specifically named. So the "5+3" was presented in a larger framework as requiring ratification by all States listed in the annex to the draft treaty and the hosting of primary

seismic and radionuclide monitoring stations, which included the five NWS and the three thresholds.

The inclusion of the "5+3" formula created a good deal of angst amongst negotiators, and the extent to which the Chair himself was unhappy with it was demonstrated by the energy that he and his delegation invested into finding an alternative between 28 May and when he tabled his more definitive draft text on 28 June. While consulting with the major players, the Chair tabled his preferred formula in the CD on 20 June.[8] The proposal was a very complex combination of the conference and "waiver" provisions (which would allow ratifying States to waive initial EIF requirements after a period of time) and an "opt-out" provision (which would allow ratifying States to opt out of the Treaty at the point of EIF if they judged it to be against their security interests).

...the Chair included a "positive conference" formula under which conferences could be called three years after the Treaty's opening for signature...to facilitate the Treaty's early entry into force...

The EIF situation became even more complicated when India announced on 20 June that it would not sign the CTBT in the form tabled by the Chair, on 28 May, on the grounds that the draft treaty did not fulfil the negotiating mandate and constituted an inadequate contribution to nuclear disarmament. The announcement served to served to entrench the arguments of both sides of the EIF debate. Advocates of the simple numerical approach said that it was exactly this situation—where one relevant country decided not to sign the Treaty—which they sought to neutralize by allowing implementation of a verification regime to proceed regardless. Advocates of the "5+3" formula

argued that India's decision not to sign proved what they had always feared—that under a simple numerical formula some "key" States could commit themselves never to test again, while others could retain the option, and the Treaty could still enter into force. They argued that the "5+3" formula would place the onus on "holdouts" in international eyes, and mount the most effective sort of pressure for them to come on board. The situation was further complicated when India wrote to the CD President on 26 June to withdraw its monitoring facilities from the lists annexed to the draft treaty, and thereby removed itself from the list of States required to ratify the Treaty for it to enter into force.

Pressure mounted on the Chair as he prepared to table his final—implicitly a "take it or leave it" text—on 28 June.[9] Indeed, it is entirely possible that some "key" States informed the Chair that, without "5+3", they would reject the Treaty as a whole, and it was clear that there would be no treaty if those nations also became holdouts on the EIF issue.

The 28 June version was slightly different from the previous one. First, to take account of India's withdrawal of its monitoring facilities from the draft treaty annex, the Chair included a new list in paragraph 1, this time composed of the 44 States which participated in the 1996 session of the CD and which appear on Table I of the International Atomic Energy Agency 1996 edition of "Nuclear Power Reactors in the World". Second, under pressure to soften the stringent "5+3" requirement, the Chair also included a second paragraph known as the "positive conference" formula. Under this provision, conferences could be called three years after the Treaty's opening for signature and annually thereafter, on request of a majority of States that had deposited instruments of ratification. The conferences would be able to "examine the extent to which the requirement set out in paragraph 1 has been met and shall consider and decide by consensus what measures consistent with international law may be undertaken

to accelerate the ratification process in order to facilitate the early entry into force of this Treaty".

The positive conferences were not intended to have any legal power, only political (that is, they would lack the power to change the EIF provisions, and the Treaty could still not be implemented without 44 ratifications). Furthermore, the strict "5+3" proponents insisted that any action taken by the conferences would have to be "by consensus".

The Chair asked delegations to study his 28 June text before the CD session recommenced, on 29 July, when they were expected to have final views on whether or not they could accept it. EIF was one of a small group of issues (including whether the draft treaty's preamble was sufficiently strong in its references to nuclear disarmament) that prompted intensive inter-sessional activity.

For a number of countries, including Australia, it was the EIF provision that caused the most concern. India's decision not to sign the Treaty had confirmed there was a real possibility of—at the very least—a delayed EIF. At the same time, there was the competing imperative that the negotiations not recommence on 29 July, with the attendant risk of unravelling the whole text and losing the best chance in many years to conclude a CTBT. Australia and some other countries were interested in possibly substituting a more flexible EIF formula into the draft text—but only if it could be agreed by consensus, and only if it could be inserted cleanly without opening up to renegotiation other elements in the 28 June draft. A number of like-minded countries

...recommencing the negotiations on 29 July risked unravelling the whole text and losing the best chance in many years to conclude a CTBT.

conducted rounds of consultations in capitals and Geneva, to gauge levels of support.

In the event, it was judged that no "improvement" on EIF was achievable. Crucial to that conclusion was the United States decision in early July to throw its weight behind the Chair's text, despite its own well-known misgivings about the wisdom or desirability of a "5+3" EIF formula. Countries ultimately recognized that the final Treaty text represented a finely balanced set of difficult compromises made by all negotiating parties, and that it was as fair a reflection of the middle ground as it was possible to achieve. The EIF formula in the Chair's 28 June text was going to stay.

Virtually every country decided to put its reservations aside in the interest of endorsing a Treaty which would end nuclear testing for all time.

In the meantime, India's concerns about the EIF formula were growing. In her statement to the CD on 20 June, Indian Ambassador Arundhati Ghose had signalled that an EIF formula including India would be unacceptable. On 8 August, Ghose stated to the CD plenary that India had "the strongest objections" to the updated EIF formula in the 28 June text because it sought "to enforce our signature by means unprecedented in treaty-negotiating practice in that it creates obligations for a country without its consent and therefore runs contrary to customary international law".[10]

A series of efforts and representations were made in an attempt to persuade India that there was no coercive intent behind the article's wording. The Chair told the Ad Hoc Committee in the CD on 9 August:

> "It is my firm conviction that the current article on entry into force does not impinge on the sovereign right of any State to take its own decision about whether or not to sign and ratify the Treaty. Nor does the article on entry into force impose any legally binding obligations on a State not party to the Treaty—regardless of whether or not ratification by that State is a condition for entry into force of the Treaty. Finally, it is my understanding that article XIV, paragraph 2, does not refer to United Nations Security Council measures in accordance with Chapter VII of the United Nations Charter."[11]

In the event, it was on the grounds of its objections to the EIF formula that India withheld its consent from the CTBT draft text in the CD. At this point it is important to stress that India's decision, in effect, to veto the text was a legitimate move within the rules of procedure of the CD. It was equally legitimate for the rest of the international community to make use of an alternative route, as it turned out, the UN General Assembly, to adopt the Treaty and open it for signature.

The outcome

The vote in the Assembly on 10 September to adopt the CTBT[12] showed the intensity of the international desire to have a CTBT. Despite the reservations held on aspects of the Treaty by almost all countries—some on EIF, some on nuclear disarmament, some on elements of the verification regime—and indeed on the means of its delivery to the General Assembly, virtually every country decided to put those reservations aside in the interest of endorsing a Treaty that would end nuclear testing for all time.To date, more than 140 countries have signed the CTBT and 7 (Czech Republic, Fiji, Japan, The Federated States of Micronesia, Mongolia, Qatar, and Uzbekistan) have ratified. Of the 44 countries whose

ratification is required for the Treaty to enter into force, so far only three have not signed.[13]

The benefits of having the CTBT adopted and open for signature are manifold. The CTBT creates a powerful international norm that nuclear testing is unacceptable, and any country that now conducted a test would face intense international condemnation. Indeed, any country that signs the Treaty—regardless of whether or not it ratifies—is obliged to abide by its provisions by virtue of the rules of the Vienna Convention on the Law of Treaties, which state that a State which has signed a treaty is obliged to refrain from acts which would defeat the object and purpose of the treaty even before its entry into force.[14] Therefore, through their signature of the Treaty on 24 September, the five NWS have formalized their moratoriums and accepted, for the first time, constraints on the qualitative improvement of nuclear weapons, thus bringing the nuclear arms race to a definitive end. By permanently removing the nuclear explosion option, the CTBT constitutes a vital step on the road to nuclear disarmament.

The five NWS...have accepted, for the first time, constraints on the qualitative improvement of nuclear weapons...

It is not, however, possible to escape the reality that we cannot be certain when the CTBT will enter into force. We do know that it cannot enter into force without the signature and ratification of all 44 States listed in the annex to the Treaty. The positive conferences provided for by the EIF formula will give an opportunity to ratifying States to project their political will in favour of the Treaty by keeping the issue of the Treaty's non-EIF in the forefront of international attention. The positive conferences will not, however, have any legal power to amend the EIF provisions to

allow the Treaty to enter into force, nor to allow EIF for discrete parts of the Treaty.

Time will tell whether uncertainty about the date of the CTBT's EIF will affect the Treaty's strength in the long run. One litmus test will be the success of the Preparatory Commission (PrepCom) for the CTBT Organization (CTBTO), which was established on 19 November 1996, and which is entrusted with the establishment of an organizational structure and verification capability in preparation for the establishment of the CTBTO, upon EIF. The PrepCom document states that the Commission shall use funds "to establish and, pending their formal commissioning, to operate provisionally as necessary the International Data Centre and the International Monitoring System networks provided for in the Treaty".[15]

It would seem, therefore, that a degree of de facto verification of the Treaty is possible. Some countries are advocating a tempered approach to the PrepCom's activities, citing—amongst a variety of other reasons—the absence of certainty on the date of EIF as a reason for not moving more quickly, and are asking whether it is necessary to invest capital into a complex verification regime and organization whose full operation is not guaranteed. Furthermore, it seems that in the period before EIF, even if some degree of monitoring proves possible, on-site inspection is unlikely to be available as a means of clarifying whether or not certain detected events are nuclear explosions.

The international community felt strongly enough about the importance of having a CTBT to...actively support the adoption of the CTBT at the General Assembly through what were unusual—some claimed unorthodox—means.

The way ahead

The international community felt strongly enough about the importance of having a CTBT to not simply acquiesce in, but to actively support the adoption of the CTBT at the General Assembly through what were unusual—some claimed unorthodox—means. Sizeable political will exists to have an effective, internationally verifiable CTBT, with full legal effect. The question is how best to handle the uncertainty of the timing of EIF, and to maximize the contribution the CTBT makes to the process of nuclear disarmament.

Supporters of the CTBT—and they are the vast majority of the international community—must dedicate themselves to two key objectives:

—Achieving the broadest possible signature and ratification of the Treaty, especially on the part of those 44 countries required for EIF. Work must be done to persuade countries of the value of the CTBT as an indispensable part of the nuclear disarmament process, that EIF—and the full operation of the verification regime—will contribute to a more stable international environment and pave the way for further reductions of nuclear weapons. All members of the international community should be encouraged to see their way clear to sign and ratify the CTBT.

—Giving maximum support to the PrepCom to establish an institutional structure, the International Monitoring System and the International Data Centre, and to put them into provisional operation. It will be important to guard against an unnecessarily cumbersome or expensive structure. With thought and care, a lean and effective PrepCom is within our reach.

Through dedication to these objectives, the international community will be pursuing a central ob-

With thought and care, a lean and effective PrepCom is within our reach.

jective of the CTBT—to pave the way for further progress on nuclear disarmament, and to move towards our shared goal of a world free of nuclear weapons.

Notes

1 The five NWS, according to the Nuclear Non-Proliferation Treaty (NPT), are China, France, Russia, the United Kingdom and the United States.

2 India, Israel and Pakistan are commonly referred to as the "threshold" States.

3 This formula was used in the Chemical Weapons Convention, which required 65 ratifications for EIF.

4 The NPT of 1968 entered into force in 1970 with the ratification of three of the NWS—the then Soviet Union, the United Kingdom and the United States—plus forty other States. China and France did not sign the Treaty until 1992. There are now 185 parties to the NPT.

5 Resolution 50/65, adopted without a vote, called on the CD to conclude the CTBT "so as to enable its signature by the outset of the fifty-first session of the General Assembly", which was on 19 September 1996.

6 Australian Model Treaty Text (CD/1386) and Explanatory Notes (CD/1387).

7 CD/NTB/WP.330.

8 CD/NTB/WP.334.

9 CD/NTB/WP.330/Rev. 1.

10 CD/PV.744 of 8 August 1996.

11 Statement of Chair Ramaker in the Ad Hoc Committee, 9 August 1996.

12 Resolution 50/245, with 127 co-sponsors, was adopted by a vote of 158 to 3 (Bhutan, India, Libyan Arab Jamahiriya), with 5 abstentions (Cuba, Lebanon, Mauritius, Syria, United Republic of Tanzania).

13 Democratic People's Republic of Korea, India and Pakistan.

[14] Article 18, Vienna Convention on the Law of Treaties.

[15] CTBT/MSS/RES/1.

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The Fissile Material Cut-Off Treaty

Addressing the Issues of an FMCT

Hayat Khan

Recent years have witnessed significant progress in promoting non-proliferation and disarmament measures. Within the framework of the Chemical Weapons Convention (CWC) and the Biological and Toxin Weapons Convention (BWC), two out of three categories of weapons of mass destruction have been comprehensively prohibited. The indefinite extension of the Nuclear Non-Proliferation Treaty (NPT) and the recent progress in creating nuclear-weapon-free zones have eliminated the threat of nuclear weapons from an ever growing number of regions of the world and strengthened non-proliferation goals. Such progress, brought about due to the emergence of a positive international climate, has engendered a renewed focus on existing nuclear arsenals that continue to pose a global threat in terms of their numbers, reach and readiness.

Brigadier Hayat Khan, who has extensive experience in the military command and staff of Pakistan, has represented his country in many international conferences, seminars and workshops.

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The end of the cold war confrontation and reductions in nuclear weapons in the form of the Intermediate- and Shorter-Range Nuclear Forces (INF)[1] and Strategic Arms Reduction (START I and II)[2] Treaties have reduced the nuclear threat significantly and created the conditions in which long-overdue measures in the field of disarmament can be pursued more vigorously and with fruitful results. It was the existence of such conditions that made it possible last year to conclude the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

There exists today an unprecedented and compelling body of international opinion converging on the need for specific measures for nuclear disarmament leading to the total elimination of nuclear weapons. The non-aligned countries have called for negotiations at the Conference on Disarmament (CD). A group of 28 countries proposed a "Programme of Action" enumerating the elements that could form part of a comprehensive disarmament programme.[3] The Canberra Commission has also highlighted the specific steps that can be taken immediately, to be followed by other measures over time.[4] Several eminent individuals and groups, including people who have been involved in decision-making affecting nuclear arms and strategic policy, have also stressed that the total elimination of nuclear weapons is an immediate and indispensable priority and a feasible and necessary condition for promoting security in the post–cold war era.

There exists today an unprecedented and compelling body of international opinion converging on the need for specific measures for nuclear disarmament leading to the total elimination of nuclear weapons.

Certain common elements and cogent reasons underpin growing international support for specific steps for nuclear disarmament:

—Continued reliance on nuclear weapons is incompatible with the universal commitment to their elimination. It also prevents fulfilment of the obligations for nuclear disarmament under article VI of the NPT.

—Recent progress in arms control, non-proliferation and disarmament has opened a window of opportunity to consolidate the gains made. If, however, international relations were to deteriorate, the nuclear arms race could resume, bringing with it an uncertain future.

Recent progress in arms control, non-proliferation and disarmament has opened a window of opportunity to consolidate the gains made.

—Retaining the policy of nuclear deterrence obstructs development of friendly relations and the existence of nuclear forces perpetuates suspicion and mistrust.

—Serious pursuit of disarmament will strengthen the non-proliferation regime. Despite the discriminatory character of the NPT, its role in preserving stability by limiting horizontal proliferation is well recognized. The possession of nuclear weapons by a few States, however, creates ambivalence among other States about the normative value of non-proliferation efforts.

—The advisory opinion of the International Court of Justice (ICJ), that there exists a legal obligation to pursue and bring to a conclusion negotiations leading to a world free of nuclear weapons[5], has established an important legal standard. The Court's ruling sets the goal of negotiations as something to be undertaken in the present with the

objective of concluding them, in my view, in a given framework of time.

—Nuclear disarmament should be a global endeavour involving multilateral efforts. It has been argued that this will create impediments rather than facilitate the realization of the objective of nuclear disarmament, that it could lead to a long, drawn-out multilateral process of negotiations that would favour the retention of nuclear weapons for much longer periods and could divert attention, even disrupt, the bilateral process of nuclear reductions. Such fears do not seem well founded since all parties are committed to conducting "good faith" negotiations towards nuclear disarmament.

—There is also an erroneous assumption that what is being called for is the multilateral negotiation of the gamut of verified reductions. The Programme of Action proposed by the 28 members of the CD, for example, is designed to identify measures that may constitute part of the programme, their priorities, and the phases and time-frames within which they could be achieved. Each disarmament measure included in the programme would be negotiated through the most appropriate mechanism for that specific measure—bilateral, regional, multilateral or global. The specifics of the measure would also determine the countries whose participation would be relevant to its negotiation.

—There can be no underestimation of the magnitude of complexity of the tasks involved. This, however, should not become a reason for inaction. Because the specific undertakings in the programme of disarmament will be daunting and complicated, the first steps should be taken now.

—A commitment to and concrete progress towards the complete elimination of nuclear weapons can be undertaken immediately. A number of specific steps for a reduction of the threat of nuclear weapons and for nuclear disarmament have been advanced recently in both official and

non-official documents. A common proposal, which has attracted wide interest in terms of its feasibility in the immediate future, concerns the declaration of an unambiguous commitment to the elimination of nuclear weapons. In a specific proposal put forward in a statement at the CD on 30 January 1997, Pakistan stressed that it was urgent to secure "a legally binding international agreement committing all States—nuclear and non-nuclear—to the objective of complete elimination of nuclear weapons. This is also a central recommendation of the Canberra Commission. We should adopt a simple, short treaty which would contain such a commitment and an undertaking to pursue 'good faith' negotiations to achieve the goal of eliminating nuclear weapons in the foreseeable future".[6]

A commitment to and concrete progress towards the complete elimination of nuclear weapons can be undertaken immediately.

These new thrusts in the nuclear disarmament debate, which I just highlighted, have been described by some as a "change of paradigm". The pursuit of a nuclear-weapon free world is not only considered necessary, but is now thought feasible by governments, intellectuals and thinkers alike. A multilateral negotiating process, organized to take into account the imperatives of the post–cold war world, could lead to progress on long-standing nuclear disarmament issues.

One such issue is the proposal for the prohibition of the production of fissile material for weapons purposes—the fissile material cut-off treaty (FMCT). In the past, the idea was debated as part of the larger process of the cessation and reversal of the nuclear arms race and nuclear disarmament. Then, it was believed, a halt in the production of fissile material and banning nuclear weapons production could have

cut short the nuclear arms race. Such action would have left a much less daunting legacy of the cold war. The well-known proposal by Canada, for example, envisaged a prohibition on all production of fissionable material for weapons purposes as part of a "strategy of suffocation" to achieve a cessation of the nuclear arms race in pursuit of the goal of nuclear disarmament.[7]

There were serious doubts about the structure and scope envisaged for such an agreement. Its purpose would have been to ban the production of highly enriched uranium (HEU) and the separation of plutonium not subject to international safeguards or for nuclear explosive purposes, though material produced prior to the effective date of the agreement would remain outside the prohibition. Three obligations were foreseen:

- to desist from manufacturing HEU or separating plutonium for research or development of nuclear explosive devices;
- to refrain from assisting other States in this regard; and
- to accept IAEA safeguards for the purposes of verifying the implementation of these undertakings

A series of Assembly resolutions were adopted on this issue until 1992. Objections were raised on various grounds, but primarily because a stronger commitment to the cessation of production of nuclear weapons was sought. The resolutions were, however, repeatedly adopted by large margins, including positive votes by Pakistan.

At the 48th session of the Assembly in 1993, President Clinton of the United States, in announcing a number of initiatives to promote nuclear non-proliferation, proposed to negotiate an international agreement that would ban production of plutonium and HEU for weapons forever.[8] The Assembly thereupon adopted by consensus resolution

48/75 L, entitled "Prohibition of the production of fissile material for nuclear weapons or other nuclear explosive devices".

This resolution omitted, however, a provision that had always been contained in previous resolutions. It stated that "the cessation of production of fissionable material for weapons purposes and the progressive conversion and transfer of stocks to peaceful uses would also be a significant step towards halting and reversing the nuclear-arms race".[9] The 1993 resolution merely stated that such a convention would be a "significant contribution" to "nuclear non-proliferation in all its aspects".

It is important to bear in mind that while the language of the resolution was kept restrictive in order to secure consensus, that consensus was possible largely because the initiative on which it was based addressed a broader framework encompassing such important issues as the "elimination where possible of accumulations of stockpiles of HEU or plutonium" and recognized the need to address associated regional problems by mentioning the need for "more restrictive regional arrangements".

The question of stockpiles and specific regional security concerns are of fundamental importance and need to be addressed properly.

Both issues, namely, the question of stockpiles and specific regional security concerns, are of fundamental importance and need to be addressed properly. The idea of an FMCT no longer centres on a "strategy of suffocation". Over the decades fissile material has been produced in such great quantities that, apart from important disarmament concerns, this material poses serious problems of safe storage and disposition. Furthermore, the issue is no

longer confined to the actions of the five declared nuclear-weapon States, but presents problems relating to security in regions such as South Asia and the Middle East.

The linkage of nuclear disarmament and security assurances with other agenda items in the CD, taken together with the view prevailing among a significant number of participants on the issue of stockpiles, does not augur well for the prospect of successful negotiations on a fissile ban. The Shannon-II formulation[10] was meant to allow negotiators to address the question of stockpiles. Yet, as plutonium and HEU are used in nuclear weapons regardless of whether they were specifically produced for such, the issue of stockpiles will have to be addressed more comprehensively than what has been contemplated under even that mandate. Experts have identified four possibilities for a future convention:

—The basic concept of a fissile material cut-off, as envisaged by the 1993 resolution, is to place a ban on future production of plutonium and HEU for weapons purposes. This formulation has an extremely narrow application as it only affects nuclear-weapon States (NWS) and the non-NPT States. As regards NWS, it is an accepted fact that they have already enough stockpiles and do not need to produce any more—so virtually it does not affect them in any manner except in the realm of verification. NPT member States are already bound by the Treaty; they do not need any additional treaty to meet the same obligations. Hence it actually affects non-NPT States, particularly the so-called "threshold States"—India, Israel and Pakistan. The proposed concept is being seen by some as a new derivative of the NPT, which would only be used to halt proliferation and would not contribute towards nuclear disarmament.

—A ban on production or stockpiling of plutonium and HEU for weapons purposes, as is being suggested by most of the non-aligned countries. This would also bring existing stockpiles under its mandate. It would serve as a check on

the safe storage of existing stocks, their non-diversion and, more importantly, catalogue the fissile material being recovered from dismantled warheads and prevent their reuse in nuclear weapons by placing them under IAEA safeguards.

—A ban on production and stockpiling of fissile material and tritium for military purposes. This proposal has two additional implications:

(i) it includes tritium, which is considered essential for refining nuclear design, and

(ii) it extends the application to long-range nuclear-powered submarines.

—A ban on production and stockpiling of weapon-usable fissionable material. This comprehensive concept would prohibit plutonium processing and uranium enrichment altogether, on the grounds that the possession, trade and transport of essential material (even meant for civil use) carries too great a risk for proliferation and accidental hazards.

The nuclear-weapon States could advance negotiations by making the disarmament aspects of the FMCT more apparent.

When the work on the FMCT starts, these issues will have to be clarified. Among these, the most important issue is the appropriate scope of the treaty. A related issue is the method by which asymmetry in the reduction and elimination of stockpiles should be addressed at the global and regional levels. Other issues concern the physical protection of stockpiles, illegal trafficking of fissile material, international storage and the final disposal of accumulated fissile material, particularly plutonium.

Conclusion

There is as yet no clear political consensus on the framework and the objectives of the proposed convention. The Shannon report, already mentioned, although painstakingly negotiated, did not remove the basic divergence in the positions of States with regard to the scope and objectives of the treaty. For three consecutive years since 1993, the General Assembly has not adopted any resolution on the subject. It is well known that following the inability of the CD to reach consensus on the text of the CTBT, one of the original co-sponsors of the 1993 resolution on the FMCT has now sought assurances regarding the disarmament value of the FMCT.

Some nuclear-weapon States have affirmed that the FMCT constitutes an essential disarmament measure. This declaration is to be welcomed. The nuclear-weapon States could advance negotiations by making the disarmament aspects of the FMCT more apparent. The challenge facing the negotiators in Geneva is to agree and begin meaningful negotiations on important pending items that address the legitimate security concerns of all the participants.

The 1993 Assembly resolution did not specify a forum of negotiations to proceed with the FMCT. The CD was regarded as the most appropriate forum for doing so. The CD has before it several proposals, including the FMCT initiative on which work can commence. It is hoped that the CD will organize its work in such a manner that both the global nuclear threat and regional imperatives will be adequately addressed to respond to the growing expectations of the international community in the field of disarmament, non-proliferation and international security.

Notes

1 Treaty between the United States and the Union of Soviet Socialist Republics on the Elimination of their Intermedi-

ate- and Shorter-Range Missiles, *The United Nations Yearbook*, vol. 12: 1987, appendix VII.

2 Strategic Arms Reduction Talks.

3 CD/1419 of 7 August 1996.

4 The Canberra Commission on the Elimination of Nuclear Weapons. An executive summary was submitted by Australia to the CD in August 1996, in CD/1429.

5 The Advisory Opinion was submitted to the General Assembly by a note from the Secretary-General (A/51/218,annex).

6 CD/PV. 753.

7 Introduced by Prime Minister Trudeau at the first special session devoted to disarmament (SSOD I) in 1978. The strategy was a combination of four measures aimed at curbing the technological impulse driving the development of strategic nuclear weaponry: a comprehensive test ban; flight testing of all new strategic delivery vehicles; an agreement to prohibit all production of fissionable material for weapons purposes; and an agreement to limit and progressively reduce military spending on new strategic nuclear-weapon systems.

8 A/48/PV. 4.

9 For example, A/RES/47/52 C of December 1992.

10 See Statement by Ambassador Shannon of Canada as Special Coordinator on this issue to the CD on 7 September 1994 (CD/PV. 692).

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The Fissile Material Cut-Off Treaty: Why? What? and When?

Michael Weston

The question, Why is the FMCT a good idea?, is not easy to answer because there are different conceptions of what such a treaty should do. On the one hand, there are those who believe the FMCT should focus on fissile material produced *after* the cut-off date; in short, they want it to deal only with "future production". On the other hand, there are those who also want the FMCT to cover fissile material produced *prior* to the cut-off date; in short, they want it to deal with "stocks".

The issue of "stocks" has come up repeatedly in preliminary discussions of the FMCT in the Conference on Disarmament (CD). Whether "stocks" should be covered by the treaty or not is a fundamental point that cannot be dodged. My understanding of the term "stocks" is that it refers to all fissile material produced *prior* to the cut-off date. In the case of nuclear-weapon States, a part of those "stocks" will be required to maintain their nuclear forces and a part of them will not be required for that purpose.

Many States want to see the FMCT cover that portion of stocks that nuclear-weapon States will require to maintain their nuclear forces, in order to get at the nuclear forces they

Sir Michael Weston was Permanent Representative of the United Kingdom to the Conference on Disarmament from 1992 to August 1997.

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sustain. That is an understandable aspiration. But the reality is that no nuclear-weapon State is going to accept that the size of its nuclear forces should be addressed by this back-door means. The size of the nuclear forces of the nuclear-weapon States will have to be addressed by those same States in the framework of negotiations dealing directly with those forces—beginning with the further development of the bilateral START process. Any attempt to have the FMCT deal with that portion of their stocks that the nuclear-weapon States require to sustain their nuclear forces is bound to fail.

What about the portion of their stocks that will not be required to maintain their nuclear forces? Most nuclear-weapon States have such stocks. In some cases, these stocks have been created by the reprocessing of civil reactor fuel. In other cases, these stocks will include fissile material made surplus to defence requirements by large reductions in nuclear forces. In some cases, both factors may be at play. The position of individual nuclear-weapon States varies.

Any attempt to have the FMCT deal with that portion of their stocks that the nuclear-weapon States require to sustain their nuclear forces is bound to fail.

In the United Kingdom, on current plans, the reduction in nuclear forces will produce fissile material surplus to defence requirements. There is a straightforward reason for this; the stocks associated with defence requirements are already at minimum levels. The United Kingdom has stocks of separated plutonium accumulated over many years as a result of reprocessing the vast majority of civil reactor fuel. But this material is already under EURATOM safeguards and can be designated for inspection by the IAEA. So it is not clear that there would be any significant gain from

having these stocks covered by the FMCT. The French and Chinese must speak for themselves. The French position is most likely similar to the United Kingdom's. China probably has neither surplus stocks from reductions in its nuclear forces nor stocks from the reprocessing of civil reactor fuel.

Russia may have some stocks of plutonium from reprocessed civil reactor fuel. Like the United Kingdom, it has seen a case for reprocessing such fuel. By contrast, as is well known, the United States has had a policy of not reprocessing its civil reactor fuel. Both these countries, however, can be expected to have an increasing amount of fissile material which they no longer need for defence purposes as a result of large reductions in their nuclear forces. Like many other States, the United Kingdom welcomes the moves made by the United States to place some of these stocks under IAEA safeguards, and we hope Russia will soon take similar steps. It seems very unlikely that either of these countries will permit others to tell them how much of their stocks they must regard as surplus to their defence requirements.

It seems very unlikely that Russia and the United States will permit others to tell them how much of their stocks they must regard as surplus to their defence requirements.

It follows from these considerations that I do not think it will be a fruitful exercise to address in an FCMT even that portion of their stocks that the nuclear-weapon States do not require to maintain their nuclear forces. Either there are no such stocks, or they are already covered by safeguards, or moves can best be made to bring them under safeguards in other ways. As I have already demonstrated, it is simply not realistic to suppose that the FMCT can cover that portion of their stocks that nuclear-weapon States do require to maintain

their nuclear forces. Though complicated, the underlying message is a simple one—it is that trying to tackle any aspect of stocks through an FMCT is not likely to be at all productive.

There is also another reason why trying to deal with any aspect of stocks through the FMCT is not likely to be at all productive. It will be far less easy to persuade India, Israel and Pakistan to accept an FMCT covering stocks than one that covers only future production. The fact is that these States have refused to become parties to the NPT as non-nuclear-weapon States for many decades—precisely, we must assume, because they have wanted to retain the right to produce unsafeguarded fissile material, for reasons we can all imagine. Those reasons endure. They will make it hard enough to persuade these three States to enter into commitments not to produce any more unsafeguarded fissile material, let alone to accept safeguards on their stocks of such materials. In framing our ambitions for the FMCT, we must therefore be realistic about what these three States may ultimately be persuaded to accept.

Where do all these points about "stocks" lead? To the conclusion that by getting bogged down in the marshy swamp of "stocks", there is a danger of not realizing the very substantial benefits that can still flow from an FMCT dealing only with "future production". Those benefits are sometimes disparaged.

By getting bogged down in the marshy swamp of "stocks", there is a danger of not realizing the very substantial benefits that can still flow from an FMCT dealing only with "future production".

I have heard it said that the FMCT is unnecessary because the nuclear-weapon States have already said they have ceased the production of fissile material for use in nuclear explosives. France, Russia, the United Kingdom and the United States have indeed made such statements. A universal and verifiable FMCT, however, would formalize and verify those statements. It would also bring in the other nuclear-weapon State, China. And it would put constraints on the ability of India, Israel and Pakistan to produce more unsafeguarded fissile material. Those would be important accomplishments.

An FMCT that is limited to "future production" will also do much more than this. It will put in place an essential foundation for the eventual achievement of nuclear disarmament. Clearly there can be no final achievement of this goal without verification arrangements on all the key facilities that can produce fissile material suitable for use in nuclear explosives—enrichment and reprocessing facilities. Whatever else an FMCT may or may not do, it would certainly have to involve applying verification arrangements to all such facilities. The FMCT will put in place an essential prerequisite for the achievement of nuclear disarmament.

The FMCT will put in place an essential prerequisite for the achievement of nuclear disarmament.

My contention, therefore, is a simple one. The idea of an FMCT dealing with "stocks" will lead us into a morass of difficulties that will soon put in jeopardy the achievement of any FMCT. It seems unwise to risk this when a universal and verifiable FMCT dealing just with "future production" will bring many major benefits.

What will such an FMCT involve?

Moving from the *why* of an FMCT to the *what* takes in the question of what an FMCT dealing with "future production" will involve, particularly the question of verification arrangements.

In my view, this question is effectively about what verification arrangements should be accepted by those FMCT parties that are *not* non-nuclear-weapon States parties to the NPT. Arrangements already accepted by the non-nuclear-weapon States parties to the NPT, in order to verify their obligations under that Treaty, will almost certainly be deemed sufficient to verify their obligations under an FMCT, although this might need review in the light of the outcome of the IAEA's "93+2" programme.[1]

The IAEA produced a very interesting paper on this topic at a seminar on the FMCT in Canada in January 1995.[2] It set out a variety of ways in which an FMCT might be verified. The main conclusion I drew from it was that the fundamental choice we face is between what I will call the "focused approach" and the "more sweeping approach".

The focused approach would involve applying safeguards to all reprocessing and enrichment facilities... and all the separated plutonium and highly enriched uranium they produce...

In essence, the focused approach would involve applying safeguards to all reprocessing and enrichment facilities. It would also involve applying safeguards to all the separated plutonium and highly enriched uranium produced by these facilities after the cut-off date—as it moves out of those facilities into stores, fuel fabrication plants, fresh fuel

stores, and reactors burning plutonium or highly enriched uranium fuels. But the focused approach would not involve applying safeguards to natural and low-enriched uranium fuels or to any kind of spent fuel. By contrast, the essence of the more sweeping approach is that it would involve applying safeguards on natural and low-enriched uranium fuels and on any kind of spent fuel—as well as on those materials covered by the focused approach.

Thus the more sweeping approach is much closer than the focused approach to the comprehensive arrangements that non-nuclear-weapon State parties to the NPT already accept under that Treaty. Consequently, it will be no surprise if these States press for the more sweeping approach to verification to be adopted under the FMCT. It would have to be acknowledged—as the IAEA paper did—that in strict verification terms it probably is the better approach. After all, that is why we have the comprehensive approach under the NPT.

The sweeping approach would involve applying safeguards on natural and low-enriched uranium fuels and on any kind of spent fuel.

In the FMCT context, however, there are some other important points to consider in relation to the focused approach:

(a) Some of the potential FMCT parties that are not non-nuclear-weapon States parties to the NPT may be more readily persuaded to accept the focused approach than the more sweeping approach.

(b) While operators in the United Kingdom and France have much experience of international safeguards and inspections, I am not sure this is

so true of operators in some of the other potential parties, and in these circumstances it may be easier to achieve rapid implementation of the focused approach than of the more sweeping approach.

(c) As the IAEA paper clearly suggested, the focused approach, although itself by no means cheap, is likely to be a good deal less expensive than the more sweeping approach.

There are therefore a variety of points that will need careful thought when considering the advantages and disadvantages of the two main approaches to verifying an FMCT. The choice between these two approaches is the key one in the verification area. But there are other important verification issues that will also require attention. I would like to highlight two.

The choice between the focused or sweeping approach is the key one in the verification area.

The first concerns the possibility that an FMCT party might want to use some fissile material produced after the cut-off date for a non-explosive military purpose, such as naval propulsion. It will be recalled that the NPT does not prevent non-nuclear-weapon States from using nuclear material in this way—and that, in a carefully circumscribed fashion, their NPT safeguards agreements provide for the non-application of safeguards to nuclear material when it is being used for such a purpose. As far as I am aware, that provision has never been exercised by any non-nuclear-weapon State, but the issue it is designed to deal with will also need dealing with in the FMCT.

So far I have only been talking about the verification arrangements for declared facilities and material. The second

point on verification is that any FMCT will also need to address what arrangements there should be for seeking out undeclared enrichment and reprocessing facilities and any fissile material they produce after the cut-off date that subsequently goes missing. This is not a small subject—and one that is likely to take us into the familiar but difficult territory of non-routine inspections.

Other detailed verification issues will arise when negotiations actually begin on an FMCT. Complex questions will face us in this area. Verification arrangements are the guts of *what* the FMCT will involve.

When shall we negotiate an FMCT?

The *when* of an FMCT brings us to the vexing subject of when we shall be allowed to start negotiations.

It is a matter of regret to my Government that negotiations for an FMCT have not yet started in the CD. General Assembly resolution 48/75 L, calling for such a treaty, was adopted without a vote in 1993. The mandate for an ad hoc committee to negotiate such a treaty was agreed unanimously in March 1995. Negotiations have yet to start.

It is a matter of regret to my Government that negotiations for an FMCT have not yet started in the CD.

The reason is well known. Some of the States that supported that resolution and that mandate are now saying that they can no longer agree to an ad hoc committee on the FMCT unless an ad hoc committee is also set up to negotiate a time-bound framework for nuclear disarmament. I explained fully to the CD on 21 January why the United Kingdom does not believe this is the right way to make progress towards the goal of nuclear disarmament that we all share.[3]

The United Kingdom, and I believe all the nuclear-weapon States, has been ready to negotiate an FMCT since 1993. We were asked for many years to do this. Though some time ago we said: "Yes, we will do it," it seems that some people cannot take "yes" for an answer. They have resorted instead to the old game of those who do not really want to make any progress at all, *linkage*—a simple but treacherous concept, enabling those who insist upon it to champion nuclear disarmament while in practice preventing useful steps towards it.

And let there be no mistake about it; that is what is being done. So long as there is no start to negotiations, there can be no resolution of the verification issues just identified. So long as there is no resolution of these issues, there can be no conclusion of a treaty that, as demonstrated earlier, will be an important step towards the final achievement of nuclear disarmament—indeed, a prerequisite for it.

For those reasons, my Government hopes the nay-sayers will soon have a change of heart. If they do not, then, regrettably, so be it. If they do, we remain as ready to enter these negotiations now as we have been for over three years. In short, the *when* of the Treaty is a question that only the nay-sayers can now answer. As far as we are concerned, now is the time.

Conclusion

In sum, I have dealt with three of the pivotal issues on the FMCT. First, there is a great deal to be said for concentrating on an FMCT that deals just with future production. Second, there are a range of complex verification issues that will need to be resolved before we can conclude such a treaty. And third, it is high time the CD began negotiating this treaty.

Notes

1 IAEA's "Programme 93+2" began in December 1993 with the aim of presenting the Board of Governors with the technical, legal and financial implications of a fully integrated set of stronger, more efficient safeguards measures prior to the 1995 NPT Review and Extension Conference. On 16 May 1997, the IAEA adopted a Model Protocol Additional to existing safeguards agreements that considerably strengthened the IAEA's capacity to detect undeclared clandestine activities.

2 "Cut–off Convention Workshop: Papers: Toronto, Ontario, 16–19 January 1995" (Ottawa: 1995). For further information contact the Department of Foreign Affairs and International Trade of Canada.

3 CD/PV.751.

Nuclear-Weapon-Free-Zones: Looking Ahead

Southeast Asia Nuclear-Weapon-Free Zone: Next Steps

Norachit Sinhaseni

In establishing a nuclear-weapon-free zone (NWFZ), the zonal States are not merely reaffirming their commitment under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) not to develop nuclear weapons. They are making a declaration, a statement that they do not want nuclear weapons in their region. They are underlining that their region, and the planet, would be better off without such weapons. Thus the basic objective of all NWFZs, and their obvious contribution to world security, is to render a region free from nuclear weapons.

The 1995 NPT Review Conference recognized that the establishment of internationally recognized NWFZs,

Norachit Sinhaseni is Deputy Director-General of the Department of International Organizations at the Ministry of Foreign Affairs of Thailand. He was a member of the delegation to the ASEAN Working Group on a Zone of Peace, Freedom and Neutrality (ZOPFAN) and the Southeast Asia Nuclear Weapon-Free Zone Treaty (Bangkok Treaty) and on several occasions led the delegation.

The views expressed in this paper are those of the author and do not necessarily represent those of the Government of Thailand.

freely arrived at among the States of the region concerned, enhanced global and regional peace and security. Development of NWFZs was further encouraged, especially in regions of tension, such as the Middle East.

Background

The oldest existing NWFZ was established in Latin America and the Caribbean by the Treaty of Tlatelolco, in 1967; eighteen years later, in 1985, the South Pacific became nuclear-free by the Treaty of Rarotonga. Almost 30 years after the establishment of the first NWFZ, Southeast Asia and Africa were declared nuclear-weapon-free by the Bangkok and Pelindaba Treaties, in 1995 and 1996, respectively.

A number of factors contributed to the successful establishment of the two most recent zones: the end of the cold war and the settlement of long-standing conflicts in those regions. Only when some measure of peace and stability prevailed was it possible for those States to forge their "code of conduct" to create an environment that fostered the establishment of a NWFZ.

Southeast Asia Nuclear-Weapon-Free Zone

The idea for a nuclear-weapon-free zone in Southeast Asia was first enunciated at the ASEAN Foreign Ministers Meeting in Kuala Lumpur in November 1971. The ASEAN foreign ministers issued the Declaration on the Zone of

It was agreed that the establishment of the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ) would be an essential component of ZOPFAN.

Peace, Freedom and Neutrality (ZOPFAN), commonly referred to as the Kuala Lumpur Declaration. They noted the trend towards establishing nuclear-free zones and agreed that the neutralization of Southeast Asia was a desirable objective. They expressed their determination to secure the recognition of and respect for Southeast Asia as a zone of peace, freedom and neutrality. It was also agreed that the establishment of the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ) would be an essential component of ZOPFAN.

By the late 1970s, ASEAN officials successfully produced the first and second drafts of a NWFZ treaty. At that time, contacts were initiated with other countries in Southeast Asia, in particular in Indochina, not part of ASEAN. From 1979 up to the early 1990s, however, the Cambodia problem effectively prevented the conclusion of a treaty. Following the signing of the Paris Peace Accords in 1991 and the United Nations-sponsored elections in Cambodia in 1993, the ASEAN foreign ministers in 1995 declared that conditions in Southeast Asia approximated those envisaged in the Kuala Lumpur Declaration for the establishment of the nuclear-weapon-free zone. Efforts culminated in the signing of the Bangkok Treaty during the fifth ASEAN summit in December that year. In addition to the seven members of ASEAN, the signatories included the three non-ASEAN countries, namely, Cambodia, Lao People's Republic and Myanmar. The zone of application of the Treaty extends to all of Southeast Asia.

Entry into force

The most recent NWFZ Treaty to enter into force was the Bangkok Treaty, on 27 March 1997, the date on which the seventh instrument of ratification was deposited. Thailand is the depositary for the instruments of ratification of the Bangkok Treaty. Information on the States parties that have ratified the Treaty and the dates on which their instruments of ratification were deposited is given in Table 1.

Signature by nuclear-weapon States

All existing NWFZs seek the acceptance or signature of the five nuclear-weapon States (NWS). Of the four treaties, the NWS have signed all but one. The Bangkok Treaty is presently the only treaty that has not been signed or ratified by the NWS.

Table 1

Bangkok Treaty

Country — Date of Ratification

Lao PDR — 16 July 1996

Myanmar — 17 July 1996

Malaysia — 11 October 1996

Brunei Darussalam — 22 November 1996

Viet Nam — 26 November 1996

Thailand — 20 March 1997

Cambodia — 27 March 1997

Singapore — 27 March 1997

Indonesia — 10 April 1997

Similar to other nuclear-weapon-free-zone treaties, a Protocol is attached to the Bangkok Treaty. The Protocol is open for signature by the five NWS. Following the signing of the Treaty, however, all five NWS indicated that they had difficulties with certain provisions of the Treaty and Protocol. Unless changes were made to the Protocol, no NWS would be able to sign it.

In his closing statement at the fifth ASEAN summit, the Chairman, Prime Minister Banharn Silapa-Archa of Thailand, announced that the States parties would "review" the Protocol to the Treaty. The ASEAN Senior Officials Meeting (SOM) Working Group on ZOPFAN and SEANWFZ was subsequently tasked to carry out the review and to undertake consultations with the NWS.

To date, two rounds of consultations have been conducted with the NWS. The first, between Malaysia, as Chairman of the ASEAN Working Group on ZOPFAN and

SEANWFZ, and representatives of the NWS was held in November 1996.

In the second round of consultations in June 1997, representatives from NWS met with the members of the ASEAN Working Group. While some NWS have expressed appreciation for the effort of the Working Group in negotiating acceptable wording or amendments, they still feel that it has not yet directly addressed their concerns. The process of consulting is expected to continue.

The primary concern of the NWS is the inclusion of Exclusive Economic Zone (EEZ) and continental shelves in the definition of the zone.

The primary concern of the NWS is the inclusion of exclusive economic zones (EEZ) and continental shelves in the definition of the zone. NWS maintain that such inclusion raises questions about the consistency of the principles embodied in the 1982 United Nations Convention on the Law of the Sea (UNCLOS), mainly those concerning the freedom of the high seas. In addition, the NWS maintain that continental shelves and EEZs have never been clearly delimited in the South China Sea, which could create uncertainty over the scope of the Treaty and the Protocol obligations and could be a source of conflict owing to competing territorial claims in the region.

The second concern of the NWS deals with article 2 of the Protocol and the precise nature of the legally-binding negative security assurances (NSA) from the Protocol parties. Under article 2, each State party to the Protocol (a NWS) undertakes not to use or threaten to use nuclear weapons against any State party to the Treaty. It further undertakes "not to use or threaten to use nuclear weapons within the Southeast

Asia Nuclear Weapon-Free Zone." The second sentence of this article is of concern to the NWS. Citing their policy of nuclear deterrence, the NWS want the entire second sentence deleted. In their consultations with the NWS, the States parties have proposed certain amendments to the second sentence but so far no agreement has been reached. Consultations with the NWS are expected to continue to seek an acceptable solution.

Next steps

The States parties will continue to seek and encourage acceptance by the NWS of the Bangkok Treaty. They recognize, however, that it would only be possible after the NWS concerns have been satisfactorily addressed. In the meantime, following the entry into force of the Bangkok Treaty, Thailand as the depositary State submitted the Treaty in June 1997 for registration with the United Nations in accordance with Article 102 of the United Nations Charter.

The second concern of the NWS deals with article 2 of the Protocol and the precise nature of the legally-binding negative security assurances.

Under the provisions of the Treaty, once it has entered into force, two institutions are to be established. The first is the *Commission* for the SEANWFZ. Each State party is *ipso facto* member of the Commission and shall be represented by its foreign minister or his representative, accompanied by alternates and advisers. The function of the Commission shall be to oversee the implementation of the Treaty and ensure compliance with its provisions. The second body to be established is the *Executive Committee*, a subsidiary organ of the Commission. Like the Commission, the Executive

Committee shall comprise all States parties to the Treaty and shall be represented by one senior official, who may be accompanied by alternates and advisers.

In promoting wider knowledge and acceptance of the Treaty, one possible action that could be taken is to seek its endorsement by the United Nations. This could take the form of a General Assembly resolution. It is still unclear what the benefits of such an action would be other than for the Assembly to recognize the fact that the Treaty has been signed and has entered into force. However, until the concerns of the NWS have been satisfactorily resolved, tabling such a resolution could provoke unnecessary confrontation.

Consultations with the NWS are expected to continue to seek an acceptable solution.

On the wider issue of NWFZs in general:

—The proposal for cooperation among the existing nuclear-weapon-free zones has been mooted. The idea was endorsed by the General Assembly at its 51st session in December 1996 under the item "The nuclear weapon-free southern hemisphere and adjacent areas". Resolution 51/45 B called on the States parties in the four zones to explore and implement further ways and means of cooperation, including the consolidation of the status of the nuclear-weapon-free southern hemisphere and adjacent areas. As I understand it, the idea does not envisage any legal links between the NWFZs but suggests political links. These could include establishment of mechanisms for consultations as well as communication networks or data exchanges between the respective zones.

—The possibility of establishing NWFZs in other regions has been suggested. Resolution 51/45 B, which called on all

States to consider proposals to establish other nuclear-weapon-free zones, specifically the Middle East and South Asia. It is evident, however, that major obstacles remain in such regions and do not appear likely to be easily resolved in the foreseeable future.

Conclusion

NWFZs are positive contributions to nuclear non-proliferation and disarmament efforts. At the very least, they remind us that a large number of countries have rejected the nuclear option, do not want nuclear weapons in their region, and believe that their regions and the world as a whole would be better off without them.

The States parties will continue to seek and encourage acceptance by the NWS of the Bangkok Treaty.

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Nuclear-Weapon-Free Zones: Prospects and Problems

Jargalsaikhany Enkhsaikhan

As a result of the overall warming of the international climate in the post–cold war period and the initiatives taken by numbers of States to foreclose the spread of nuclear weapons on their territories, the world is undergoing a process whereby vast areas of the globe are being turned into nuclear-weapon-free zones (NWFZs). Once both the Pelindaba and Bangkok Treaties have entered into force (the Bangkok Treaty entered into force on 27 March 1997), it is estimated that 1.7 billion people will live in nuclear-weapon-free areas. Together with Antarctica, they cover more than half of the globe. Some States have proposed to declare the entire southern hemisphere a nuclear-weapon-free area, and hence a safer and healthier place to live.

It is widely recognized that the creation of additional NWFZs in different regions of the world constitutes an important confidence-building and disarmament measure that enhances regional as well as global peace and security. This was reflected in the Final Document of the first special session on disarmament (SSOD I)[1], in numerous subsequent docu-

Jargalsaikhany Enkhsaikhan is Permanent Representative of Mongolia to the United Nations. As Secretary of the National Security Council, in 1995, he participated in the elaboration of the national security concept and its adoption by the Mongolian Parliament.

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ments, and in the Principles and Objectives for Nuclear Non-Proliferation and Disarmament of the 1995 NPT Review and Extension Conference.[2] The latter stated that "the establishment of additional nuclear-weapon-free zones by the time of the Review Conference in the year 2000 would be welcome". On 12 April 1996, the President of the Security Council, on behalf of the Council members, welcomed the signing of the Pelindaba Treaty and encouraged such regional efforts.[3]

That positive momentum should not be lost, since a great many more States are still not covered by the existing zones. In these circumstances, consideration of the conceptual and practical questions pertaining to enhancing the existing zones and accelerating the emergence of new ones is timely and useful.

It is estimated that the Pelindaba and Bangkok Treaties will place 1.7 billion people in nuclear-weapon-free areas.

The 1996 session of the General Assembly and the 1997 session of the Disarmament Commission (DC) have clearly demonstrated that the international community attaches great importance to the question of NWFZs. By agreeing on a three-year consideration of the question of elaboration of general guidelines for the creation of NWFZs, the Disarmament Commission has expressed its desire to promote the creation of new zones.

Characteristics of NWFZs

Comparative studies demonstrate that the existing zones reflect characteristics specific to the regions concerned. For instance, the Pelindaba Treaty contains provisions that

ban research on nuclear explosives and attacks on nuclear installations. The Bangkok Treaty, for its part, pays attention to nuclear accidents, and its geographic scope includes continental shelves and exclusive economic zones (EEZ).

Despite their differences, all zones have similar objectives, such as non-possession of nuclear weapons by zonal States, non-stationing of nuclear weapons within the zone by any State, non-use or threat of use of nuclear weapons throughout the zone or against targets within the zone and a viable verification system.

Consideration of the conceptual and practical questions pertaining to enhancing the existing zones and accelerating the emergence of new ones is timely and useful.

Based on past experience, there seem to be some fundamental requirements that need to be met in order to create a NWFZ:

—It should be created on the basis of arrangements freely arrived at among the States of the region concerned.

—The initiative for the creation of such a zone should come from the States concerned.

—The zone should form a coherent and clearly defined geographical entity.

—The obligations of all States parties to the zone should be clearly defined and legally binding.

—Those obligations should reflect the specific nature and characteristics of the region concerned.

There also appear to be some general rules to be followed for the successful conclusion of a NWFZ:

—It should be recognized by the General Assembly.

—It should be consistent with existing international instruments of nuclear non-proliferation and disarmament.

—All States of the region should participate in the zone.

—The zone should enjoy the support of all nuclear-weapon States.

—The zone should not adversely affect existing regional or international security arrangements.

Those general rules notwithstanding, it should be underlined that a NWFZ should, by definition, have a positive impact on the existing security arrangements and substantially improve them. Also, it is my belief that all zonal States should participate to constitute a NWFZ. One cannot exclude the (highly undesirable) situation where a State of a given region or subregion might not be prepared at a given time to assume zonal obligations. That situation should not serve as a veto over creating the zone; the reluctant State could join later. The question of denuclearizing only a part of a State's territory—theoretically possible, yet practically difficult to enforce—would seem to raise more questions than it would solve.

For the zonal States, the practical value of NWFZs lies in the fact that the arrangements go beyond the non-proliferation of nuclear weapons.

Practical importance of NWFZs

For the zonal States, the practical value of NWFZs lies in the fact that the arrangements go beyond the non-proliferation of nuclear weapons. Nuclear non-proliferation arrangements do not include a ban on deployment of nuclear weapons on territories of non-nuclear-weapon States. A NWFZ rules out nuclear weapons deployment in the zone

and also implies the removal of such weapons where they or their parts exist. As to verification, the IAEA safeguards system is limited to ensuring non-diversion of nuclear material. The essence of zonal monitoring arrangements is to exclude any import of nuclear weapons into the zone or the use of territory within the zone by an extraregional State for manufacturing or testing nuclear weapons. Furthermore, the negative security assurances contained in most NWFZ treaties meet the legitimate demand of non-nuclear-weapon States regarding the threat to their national security posed by the existence of nuclear weapons.

Existing zones

Though many proposals to create NWFZs have been put forward, starting with the "Rapacki Plan" to denuclearize Central Europe, there exist today five geographical regions, and one State, that enjoy NWFZ status: the Antarctic continent was demilitarized by the Antarctic Treaty in 1961; Latin America and the Caribbean was denuclearized by the 1967 Treaty of Tlatelolco; the South Pacific was declared nuclear-free by the 1985 Rarotonga Treaty; Southeast Asia, by the 1995 Treaty of Bangkok; and the African continent, by the 1996 Treaty of Pelindaba.

The main task ahead for existing zones is to consolidate their regimes and to ensure their earliest possible entry into force and institutionalization.

The less known NWFZ is the single-State zone of Mongolia, declared in 1992. All nuclear-weapon States have welcomed it and declared that their negative and positive security assurances apply. Moreover, the entire Non-Aligned

Movement has welcomed the initiative and expressed support for its efforts to institutionalize the zone.

The main task ahead for these zones is to consolidate the existing regimes and to ensure their earliest possible entry into force and institutionalization.

Proposed NWFZs

The appropriate geopolitical environment and political will are critical for the five proposed NWFZs: in Central and South Asia, the Middle East, the Korean peninsula and Central/Eastern Europe. The creation of NWFZs in those parts of the world is most welcome as they would enhance predictability, build confidence and promote regional security.

Political obstacles notwithstanding, efforts to create such zones in and of themselves could promote predictability, regional stability and confidence that are necessary for taking measures aimed at ensuring security of States and the region as a whole.

South Asia

The creation of a South Asia NWFZ, proposed by Pakistan in the mid-1970s, will depend on the position taken by the main actors in the region. Though Indo-Pakistani bilateral relations have an obvious impact on progress in this field, the sole nuclear Power in the region, China, could play a constructive role by refraining from further build-up of its nuclear arsenal and by enhancing transparency of its nuclear programmes. If such a zone could be established, it would, in my view, have far-reaching strategic and political impact on the region and beyond.

Middle East

As to the Middle East, the General Assembly has been adopting yearly resolutions on this question, without a vote.

The panel appointed by the Secretary-General in 1991 to recommend measures to facilitate the creation of the zone pointed out that an overall improved political climate, including progress in the Middle East peace process, was required.[4] I believe that conclusion is still valid today.

Korean peninsula

The Joint Declaration on the Denuclearization of the Korean peninsula, signed by representatives of the Republic of Korea and the Democratic People's Republic of Korea in December of 1991, could form the basis for creating a nuclear-weapon-free Korean peninsula. Lack of trust, however, as well as of follow-up measures on the agreement, render this declaration merely a declaration of intent, with no real possibility of follow-up.

Central and Eastern Europe

For the idea of creating a NWFZ in Central and Eastern Europe to become a reality, it would need an appropriate geopolitical environment. Eastward expansion of NATO has, it seems, put the idea on hold. NATO obligations, if not altered, would make the idea of creating a NWFZ in Central and Eastern Europe more difficult, if not impossible. Perhaps the Norwegian precedent of pledging not to accept nuclear weapons on its territory in peacetime could be an alternative, though it would surely set an undesirable precedent of weakening the very concept of NWFZs. There are also apprehensions that expansion of NATO to the east might set in motion a process that could force Russia to adopt the NATO doctrine of countering conventional arms superiority by relying more heavily on its nuclear arsenal or by finding other ways of countering the perceived threat, including retaining the option of stationing nuclear weapons or parts thereof in some of its neighbouring States. That would be tantamount to vetoing the creation of NWFZs on its border regions.

Central Asian NWFZ

Unlike the above four regions, the new geopolitical subregion of Central Asia, created as a result of the disintegration of the Soviet Union, has promising prospects of becoming a new NWFZ. The world has already witnessed the denuclearization of the States of this subregion. Nuclear weapons have been withdrawn; Kazakhstan and others have acceded to the Non-Proliferation Treaty; the nuclear weapons testing site at Semipalatinsk, where 459 tests had been conducted, was closed down and its infrastructure is being dismantled. Those steps have already had a positive impact on enhancing confidence-building and stability in this subregion—and beyond. Moreover, all the States of the subregion support the idea. Mongolia, a Central Asian State itself, which recognizes the limitless opportunities and enormous challenges of the region, declared in 1992 its support for a Central Asian NWFZ.

The vulnerable landlocked States of Central Asia have vast territories, rapidly growing populations and rich natural resources. They are in the process of State-building, of identifying their national interests and priorities. Mindful of the situation in some southern parts of Asia, the growing outside interest in the untapped energy and mineral as well as unutilized human resources, it goes without saying that the creation of a NWFZ in this subregion would have a positive impact on maintaining and strengthening the overall balance and stability in the region and its strategically important adjacent areas. The International Conference in Tashkent on this question[5] could set in motion the process of creating the zone in the heart of the Eurasian landmass. Mongolia, as an interested neighbour, is looking forward to making its contribution to the establishment of this zone.

Concept and practice of single-State zones

One of the novelties in the concept and practice of NWFZs since the end of the cold war is the development of the single-State zone. Until the early 1990s, the conventional notion of a NWFZ was a vast area comprising territories and adjacent waters of several States or covering specific geographical regions or entire continents. That was quite understandable, since until very recently that was the case. However, the term "nuclear-weapon-free zone" is now defined more broadly as referring also to a region or an area within the borders of a State. As many States are not covered by existing zones, one cannot rule out the possibility of the creation of more single-state zones.

In 1974, the General Assembly requested that a comprehensive study of the question of NWFZs in all its aspects be carried out by an ad hoc group of qualified governmental experts[6] under the auspices of the Conference of the Committee on Disarmament (CCD).[7] The study, adopted unanimously, was transmitted to the General Assembly at its thirtieth session.[8] The first principle the report defined was that "obligations relating to the establishment of nuclear-weapon-free zones may be assumed not only by groups of States, including entire continents or large geographical regions, but also by smaller groups of States and *even individual countries*" (italics added).

Five years ago, Mongolia, strategically situated between two nuclear-weapon States, declared its territory a NWFZ. That policy, as mentioned earlier, was welcomed and supported by the nuclear-weapon States, including Mongolia's two neighbouring nuclear Powers. It was welcomed by the entire membership of the Non-Aligned Movement, by some Western European States, Japan and others. That overwhelming support underlined the notion that a single-State zone was not only a theoretical possibility, but also politically acceptable and realizable.

By declaring its territory, as large as Central Europe, a NWFZ, Mongolia is in the first place trying to strengthen its security by political means. Its policy advances the goal of nuclear disarmament and non-proliferation, and contributes to reinforcing stability in a strategically sensitive region.

The assurances given by the five nuclear-weapon States to Mongolia are an expression of support for the concept of a single-State zone. Nevertheless, to be credible, the zone cannot be based on unilateral declarations of support only, especially since they contain different formulations, conditions and reservations. Also, unlike legally-binding commitments, unilateral declarations are easily susceptible to changes of heart or mind. A NWFZ can be credible only when it has a clear legal basis, when parties to the arrangement have legally defined their rights and obligations. The zone, therefore, should be properly established and institutionalized, like other zones. In Mongolia's case, enforcing the NWFZ regime would require cooperation on the part of its neighbours and a verification mechanism to cover a territory whose population density is about 1.5 persons per square kilometre.

Compared to existing zones, a single-State zone has some obvious advantages.

Compared to existing zones, a single-State zone has some obvious advantages: the geographical scope of the zone is *a priori* well-defined; there is no need for intra-zonal negotiation or coordination; and the responsible party is apparent. In order to benefit from the advantage of a defined geographical scope, however, it is essential that a State not have any territorial or border problems.

It is very important for a single-State zone, like other zones, to have the support of nuclear-weapon States and neighbouring States, since they would be affected by the terms

of the zone and its implications. The nuclear-weapon States would be called upon to give negative and positive security assurances, while the neighbouring States would give assurances that they would respect the sovereignty, independence and inviolability of the single-State zone's borders. In order for the zone to be credible, it should have a simple but efficient verification regime, a mechanism to protect any nuclear materials and facilities, and a mechanism of consultation and exchange of information. The issue of transit and liability, among others, should also be addressed.

As to legal form, a State should spell out its commitment to be a single-State zone in an international agreement as well as in its internal legislation, such as its administrative, criminal and environmental laws. The international agreement would incorporate the commitments made by neighbouring States to respect it as a NWFZ. It would also include the negative security assurances offered by nuclear-weapon States and a commitment not to contribute to any action that would in fact violate the status of the zone. In order to allow a thorough discussion of the concept and practice of establishing single-State zones, Mongolia introduced in the Disarmament Commission in April 1997, a working paper on the principles for establishing single-State zones in the hope that this could be done well before the year 2000.[9]

Some conclusions

The experience gained in the establishment of NWFZs demonstrates that, despite the specific traits and characteristics of each zone, all NWFZs share similar objectives. Thus it is possible to draw some practical recommendations and guidelines for future NWFZs.

The existing NWFZs were created in a generally favourable geopolitical environment with no major political problems among their parties. What is lacking in the proposed

NWFZs is the favourable geopolitical environment and political will of all States of the proposed zones.

Further study is needed on two topics: the principles that the establishment of NWFZs should not adversely affect existing regional or international security arrangements and that a NWFZ in a defined geographical region could be established only when all the States of the regions participate in the treaty.

The prospects of establishing a NWFZ in Central Asia, compared to the other proposed zones, are promising, though the recent moves of NATO to expand eastward could raise some issues. The international community should support the efforts of the States of this subregion in establishing the zone.

The concept of a single-State zone is in its very early stage. Mongolia's experience so far underlines the importance of creating an international legal basis for its zone, otherwise it would become a mere declaration of good intention. Elaboration of the guidelines for establishing such zones could encourage States to establish single-State zones as a means of strengthening their security and enhancing confidence and stability in the region.

Notes

1 *Official Records of the General Assembly, Tenth Special Session, Supplement No. 4* (A/S–10/4), paras. 60–63.

2 NPT/CONF.1995/32 (Part I), Decision 2, paras. 5–7.

3 *S/PRST/1996/17.*

4 *Study on effective and verifiable measures which would facilitate the establishment of a nuclear-weapon-free zone in the Middle East"* (A/45/435). Also available as United Nations publication, Sales No. E.91.IX.14.

5 International Conference on a Nuclear-Weapon-Free Zone in Central Asia, 15–16 September 1997, Tashkent, Uzbekistan. (See articles in this issue.)

6 Resolution 3261 F (XXIX) of 9 December 1974.

7 Predecessor of the current Conference on Disarmament (CD).

8 *Official Records of the General Assembly, Thirteenth Session, Supplement No. 27A* (A/10027/Add.1).

9 *Official Records of the General Assembly, Fifty-second Session, Supplement No. 42* (A/52/42).

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International Conference on a Nuclear-Weapon-Free Zone in Central Asia, 15-16 September 1997 Tashkent, Uzbekistan

Building an Integral Part of the Global Nuclear Security System*

Islam Karimov

This Conference is the first fruit of the joint effort by the Central Asian States to counter external threats and challenges. The decision to declare Central Asia a nuclear-weapon-free zone is a further manifestation of the Central Asian States' shared interest in ensuring security, stability and peace for all the inhabitants of the region and in creating the necessary—indeed, the essential—conditions for its sustainable development and prosperity.

Allow me to express my thanks to the international organizations, and particularly the United Nations, the Organization for Security and Cooperation in Europe, the International Atomic Energy Agency and the Organization of the Islamic Conference, and to the representatives of more than 50 States and international bodies, for their support for the Central Asian initiative and their assistance in the preparation of the Tashkent Conference.

Islam Karimov is President of the Republic of Uzbekistan.

**Address delivered at the opening meeting of the International Conference.*

We are greatly heartened by the participation in the work of the Conference of representatives of the five nuclear Powers, the permanent members of the Security Council.

I welcome the official representatives of the countries bordering on the Central Asian region, who considered it their duty to support the idea of creating a nuclear-weapon-free zone in Central Asia and came to Tashkent to participate in the Conference.

We are glad to see among those participating in the Tashkent Conference delegations from the European Union countries, whose experience in integrating and building a safer world is especially valuable to the young Central Asian democracies.

I note with satisfaction that the number of international partners on Central Asian security issues has steadily increased. I am firmly convinced that participation by Latin American and South African diplomats will give our Conference even more weight and substance.

I should also like to stress the quality of the scientific participation in our Conference, which is graced by the presence of leading international experts on nuclear non-proliferation. Many of them came to Tashkent for the preparatory stage of the Conference.

I should like to express particular gratitude to the media, which have provided excellent coverage of the important task of preparing for the Conference.

Many thanks to all those who responded to our appeal and are now participating in the consideration of our initiative to declare Central Asia a nuclear-weapon-free zone.

The twentieth century is coming to an end in the lives of nations and of all humanity. I am certain that every intelligent person living in the world today has given some thought to how we will enter the twenty-first century and how we can achieve peace and stability in our own homes,

countries and regions. How can we counter the real threat of tragic disasters, loss of life on a vast scale and irreparable cataclysms?

And, of course, one of the greatest threats is posed by nuclear weapons and other weapons of mass destruction.

It has become a commonplace today to say that there are thousands of nuclear weapons stockpiled around the world. Sadly, it is a normal, everyday occurrence to learn from the democratic press about huge stocks of fissile materials, accidents caused by nuclear weapons, the smuggling of nuclear weapons or the dangers of nuclear blackmail and terrorism that together pose a real threat to the survival of humanity.

We are getting used to the terrible pictures that we see on television showing the thousands upon thousands, or even millions, of hectares of once fertile land, flora and fauna that have been destroyed forever as a result of nuclear-weapon tests.

The people of Central Asia are suffering to this day and will continue suffering for many generations the irreparable consequences of such inhuman—I would even say anti-human—testing of weapons of mass destruction.

The urgency and the importance of the task before us in declaring our region a nuclear-weapon-free zone are further underlined by the fact that not all States have joined the Non-Proliferation Treaty.

There are still some States on our very doorstep that have openly declared their desire to acquire nuclear weapons.

That is why it is so essential, we believe, that all activities that serve to remind us of this threat—all the initiatives and measures aimed at preventing this threat—should enjoy the full attention and support of the international community.

We should always remember that Central Asia has some of the most densely populated areas of the world, where the people live in pockets of land that are vulnerable in every respect, susceptible to all kinds of natural disasters even without the nuclear threat.

On the other hand, the significance of this initiative lies in the growing geostrategic importance of Central Asia, with its vast natural, mineral, energy, human and other resources, located at a point where the geopolitical and strategic interests of many of the world's largest States coincide. That is why this region, which is becoming ever more important, must not be allowed to become a battleground in the struggle for new spheres of influence and domination.

It is our firm conviction that only the active integration of the Central Asian region into the world economic and information system, as well as closer political cooperation with the world's leading nations and international institutions and, above all, the integration of the States of the region into a comprehensive system of international security, can provide a reliable guarantee of stability and sustainable growth.

Nuclear security should be seen as an integral part of universal security and of the whole question of survival.

The increasing importance of Central Asia in the global context also calls for a new understanding of the common European security system. We firmly believe that the establishment of a nuclear-weapon-free zone in the Central Asian region, bringing together the five States in the region that are members of the Organization for Security and Cooperation in Europe (OSCE), will further strengthen the basis for peace and stability within the whole vast area covered by OSCE.

The advisability—the overwhelming importance—from [illegible]jective point of view of establishing a nuclear-weap[illegible]ree zone in Central Asia is underlined by the fact, which I am delighted to note, that this initiative by Uzbekistan, put forward at the forty-eighth session of the United Nations General Assembly, is wholeheartedly supported by our neighbours—Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan—as is demonstrated by the Almaty Declaration, adopted in February 1997.[1] This document has created an atmosphere of political trust with regard to nuclear non-proliferation. The transmission of the Declaration to the United Nations and other international bodies and its reception by the international community and its leaders are encouraging.

The Central Asian initiative was made possible by a careful study of international experience in the field of non-proliferation and by an understanding of our own role in strengthening global security. This was confirmed by the work of the experts during the preparatory stage of the Conference, during which appreciation was expressed for the efforts by the States of the region to extend the areas of the world where nuclear weapons and nuclear explosive devices will be banned forever.

I am confident that with such an impressive standard of participation in our Conference we shall be able to bring a high degree of expertise to the discussion of the issues before us.

I should like to take this opportunity to draw your attention to how we see the conceptual aspects of the Conference agenda.

First, nuclear security should be seen as an integral part of universal security and of the whole question of survival. Finding the right balance between the obligations of nuclear and of non-nuclear States is the basis on which a nuclear-weapon-free zone can function properly.

It is my profound conviction that a nuclear-weapon-free zone can only function properly in Central Asia if all the nuclear Powers recognize its status. On the other hand, in the context of global nuclear strategy such a zone should not be seen as a factor that might upset the balance of power existing in the world today.

Second, it must be acknowledged that the technical establishment of a nuclear-weapon-free zone will not of itself solve the problem of ensuring security in the region. We must work out a mechanism whereby all the functional capacities of the nuclear-weapon-free zone can be brought into play to prevent the threat of proliferation. To that end the participating States should take advantage of international experience, from which a number of basic principles have emerged:

The participating States must work out a mechanism whereby...the nuclear-weapon-free zone can be brought into play to prevent the threat of proliferation.

—The zone must be totally free of nuclear weapons;

—Not only the participating States, but all interested countries, must make a commitment to its proper functioning;

—The agreement on the creation of a nuclear-weapon-free zone should include an effective control system to ensure that the agreed commitments are honoured;

—Such control should be implemented on the basis of IAEA safeguards and guarantees by the United Nations Security Council.

Third, the establishment and functioning of the nuclear-weapon-free zone in Central Asia is an integral part of the global nuclear security system, as defined by the

Non-Proliferation Treaty. In practice this means that the participating States of the Central Asian region would be actively joining the universal regime of nuclear non-proliferation and disarmament.

At the same time, alongside measures aimed at nuclear disarmament, efforts should be made to prevent the proliferation of other weapons of mass destruction as well. Such efforts should include consultations, the mutual exchange of information and notification about existing weapons stockpiles and measures to set up strict control mechanisms governing arms supplies to areas of local conflict.

The establishment and functioning of the nuclear-weapon-free zone in Central Asia is an integral part of the global nuclear security system, as defined by the Non-Proliferation Treaty.

Fourth, any political decision, any intergovernmental agreement is only worth anything if it is closely linked with social issues—with the provision of decent living standards for individuals and society. The nuclear-weapon-free zone in Central Asia is no exception to that principle. What real benefits can it provide? First and foremost, it will be a contribution to ensuring security and sustainable development; but also the international community must give its urgent attention to a speedy solution of the problems involved in overcoming the extremely harmful nuclear heritage left by the former Soviet Union.

This includes the consequences of nuclear tests carried out at the Semipalatinsk test site. It also includes the dozens of uranium mines that have been temporarily sealed and the dumps and the waste resulting from intensive mining

in the past, which are harmful to human life. Lastly, it includes the environment, public health and living conditions.

My fifth point is that, as the expert phase of the preparations for this Conference demonstrated, the idea of establishing a nuclear-weapon-free zone in Central Asia is fully consistent with measures to ensure security in the region. It is a logical extension of earlier efforts to deal with the issue.

The international community must give its urgent attention to a speedy solution of the problems involved in overcoming the extremely harmful nuclear heritage left by the former Soviet Union.

To sum up, I should like to draw your attention to an issue that is of vital importance. We are well aware that the establishment of a nuclear-weapon-free zone in Central Asia must not end up as some kind of symbolic gesture. The zone should be established in accordance with the norms of international law in the field of disarmament and arms control, within the framework of the Non-Proliferation Treaty.

The functioning of the nuclear-weapon-free zone must be viewed more broadly than has traditionally been the case.

What do I mean by that?

First of all, we must work out a precise and efficient mechanism for physical protection against the fissionable materials already in the possession of the countries of the region and neighbouring countries.

We also have no guarantees against any form of terrorism or provocation. We have no guarantees that dangerous raw materials that could be converted at any moment into nuclear warheads will not be introduced into our

countries. At the inter-State level it is essential that we should coordinate the activities of our diplomats and of our State and law-enforcement agencies. We must take specific measures to activate and increase cooperation in the storage, control and inventory of nuclear materials and in ensuring their security.

Lastly, apart from performing functions relating to non-proliferation, nuclear disarmament, control and environmental protection, the nuclear-weapon-free zone should promote cooperation among the Central Asian States in atomic research for peace. The region has all the necessary resources for this.

The idea of establishing a nuclear-weapon-free zone in Central Asia is fully consistent with measures to ensure security in the region.

Our meeting in Tashkent is taking place in the year of the thirtieth anniversary of the Treaty of Tlatelolco, the first anniversary of the Treaty of Pelindaba and the fortieth anniversary of the founding of the International Atomic Energy Agency. We send our congratulations to the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, to the participants in the African nuclear-weapon-free zone and to the IAEA, whose representatives have honoured our Conference with their presence. In that connection, I should like to assure you that we in Uzbekistan see the activities of those admirable organizations and States as a proof of their sincere aspiration to build a safer world.

There is a symbolic link between all these events, so I should like to express my satisfaction that the Central Asian States, with a full awareness of their responsibilities, have taken up the challenge of working for a world free from nuclear weapons, continuing the process that began in Latin America and that has advanced from one region to another.

Every Central Asian State is conscious of its own responsibility for the fate of the region. And we regard all those here in this room today as the delegated representatives of the world community, fully understanding and sharing our concern and ready to help us in our aspiration to make the world a safer place and to achieve mutual understanding and cooperation. We are not cut off from all that occurs beyond the boundaries of Central Asia. We are part of humanity, and the world is interrelated and indivisible. We wish to take part in the peace-building process on an equal footing with other States so as to hasten the approach of a time when the safety of people living in every corner of the Earth can be assured.

I hope that our Conference will become an important milestone on the path to achieving this most desirable aim of working out a model for global security in the twenty-first century.

Notes

[1] Letter dated 14 March 1997 from the representatives of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan to the United Nations addressed to the Secretary-General, transmitting the text of the Almaty Declaration, adopted by the leaders of those five countries in Almaty on 28 February 1997 (A/52/112).

A Step Towards Regional Peace and Development*

Abdulaziz Kamilov

The idea of establishing a nuclear-weapon-free zone in Central Asia is a further step by the States of the region towards achieving secure peace in the world and the stable and steady development of the regional community.

We believe that the process of non-proliferation and nuclear disarmament is one of the most pressing problems of a global nature and scale. At the same time, threats and challenges which bear the seeds of conflict are today being shifted to the regional level; and regional problems taken as a whole are the new global reality.

In this regard, the need to establish a nuclear-weapon-free zone in Central Asia, dictated by the specific characteristics of the region and the nature and conditions of its development, reflects the general worldwide movement from regionalism to globalism.

The desire to declare Central Asia a nuclear-weapon-free zone is based on a number of major considerations.

First of all, it is a question of the region's geopolitical and geostrategic location. Central Asia is an area situated at the very heart of the Asian continent, at the crossroads between East and West. The political and economic interests of many countries intersect in its territory.

Abdulaziz Kamilov is Minister for Foreign Affairs of the Republic of Uzbekistan.

**Statement delivered at the opening meeting of the International Conference.*

Secondly, it is necessary to take account of the threats posed to the region by large weapons stockpiles, the increase in drug trafficking, the ecological crisis, uncontrolled migration and organized crime.

Lastly, there are stocks of nuclear materials and a number of nuclear facilities in the region.

In view of all this, it may be asserted that, if unfavourable developments take place, the Central Asian region may become an explosive area giving rise to dangers of global proportions.

The political agreement on the idea of a nuclear-weapon-free zone expressed by the leaders of all five States of the region is an important demonstration of the fact that Central Asia is entering the twenty-first century united by the common regional objectives of achieving security and stability.

The process of establishing a nuclear-weapon-free zone in the Central Asian region is not a one-time political act. We understand this perfectly. This process must be carried out in accordance with the international experience that exists today in the field of non-proliferation and nuclear disarmament, together with mandatory and comprehensive consideration of the basic elements of the current international security system. The international agreements on non-proliferation, first of all, the Non-Proliferation Treaty, play a key role in this process.

The process of establishing a nuclear-weapon-free zone in Central Asia must be carried out in accordance with the international experience that exists today in the field of non-proliferation and nuclear disarmament...

A rejection of the proliferation of nuclear weapons in the region cannot and must not be accompanied by any apprehensions concerning its political consequences for the security of the States in the zone. On the contrary, the non-nuclear choice can lead to potential benefits from further, deeper integration into the world market and international political and economic structures.

At the same time, there is a need to develop a reliable system of collective efforts by the participating States, which would include:

- effective measures ensuring the non-proliferation regime;
- a reliable system of arms control;
- ensuring the ecological safety of hazardous production facilities linked to nuclear raw materials;
- measures to prevent the diversion of nuclear technologies and materials.

The question of international safeguards is particularly important in the process of establishing a nuclear-weapon-free zone. The United Nations Security Council and the International Atomic Energy Agency (IAEA) are the two main international institutions that can provide them.

...there is an essential need to establish a more reliable system of international safeguards, which could organically combine efforts to ensure non-proliferation and global nuclear security with the settlement of regional problems.

Nevertheless, as practice has shown, none of the existing international nuclear safeguards has obviated the possibility itself of the theft of fissile materials for prohibited purposes.

One should also take account of the fact that it is impossible to ensure comprehensive nuclear security in an artificial manner, separating it from transnational problems, namely, the dangers resulting from local conflicts, the delivery of conventional weapons, illegal drug trafficking and organized crime.

In our view, there is an essential need to establish a more reliable system of international safeguards, which could organically combine efforts to ensure non-proliferation and global nuclear security with the settlement of regional problems. We welcome the efforts of IAEA, which recently adopted measures that can ensure more effective control.

In this connection, there is a need at the international level to accord priority to settling regional problems as a means to enable the world community to make a phased transition from secure and stable regions to global security; there must be a fundamental review of the security guarantees of non-nuclear-weapon States, first of all, the members of nuclear-weapon-free zones; the question of non-proliferation should be considered in close linkage with the significant reduction of other types of weapons of mass destruction.

The Republic of Uzbekistan highly appreciates the role of the United Nations in solving the most important problems facing the entire world community. We are grateful for the support that it has already given to the Central Asian initiative.

...in order to create a mechanism for carrying out the Central Asian initiative, it is necessary to set up a United Nations group of experts.

In our view, in order to create a mechanism for carrying out that initiative, it is necessary to set up a United

Nations group of experts. This group could focus its attention on the forms and elements necessary in preparing and implementing a regional agreement on the establishment of a nuclear-weapon-free zone in Central Asia. Representatives of States parties to existing treaties on the establishment of nuclear-weapon-free zones as well as the regional expert group that played a positive role during the preparations for this Conference could be invited to participate in the work of the group of experts.

We place great hope in the role to be played by the nuclear-weapon States in implementing the Central Asian initiative. We consider those States reliable guarantors of the non-proliferation regime at the regional level.

The dynamically developing integration process is the basis for collectively confronting external threats and challenges and achieving secure and sustainable development in the Central Asian region. The establishment of a nuclear-weapon-free zone in Central Asia has given our cooperation efforts further significance and substance.

It is exceptionally important that all five Central Asian States become parties to the international regional agreement that legally establishes the zone. In practice, this will mean that we have taken yet a further set of positive measures aimed at ensuring regional security and reaffirming the commitment of the States parties to the principles of disarmament and the non-proliferation of nuclear weapons.

It is exceptionally important that all five Central Asian States become parties to the international regional agreement that legally establishes the zone.

At the same time, the establishment of a nuclear-weapon-free zone is a long and multifaceted process. It will

move forward stage by stage, making use of all the means at the disposal of the regional community in order to achieve the objective in mind. The process will be maintained through constructive cooperation and an atmosphere of mutual understanding and goodwill among our countries; and, we hope, it will enjoy reliable support on the part of the United Nations, the IAEA, the Organization for Security and Cooperation in Europe, the Organization of the Islamic Conference and the world community as a whole.

I am confident that the urgency and importance of the questions on the Conference's agenda will be fully understood by both those participating in it and broad sectors of international public opinion.

I hope that the results of our forum will make a concrete contribution to the noble task of ensuring the secure and stable development of the entire world community along the path towards achieving a world without war and conflict.

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Message of the Secretary-General to the Tashkent Conference*

The idea of establishing nuclear-weapon-free zones around the world has gained momentum. The principle of denuclearization has been applied successfully in Latin America and the Caribbean, where earlier this year the Treaty of Tlatelolco celebrated its thirtieth anniversary; in the South Pacific, with the Treaty of Rarotonga; in Southeast Asia, with the Treaty of Bangkok; and with the Treaty of Pelindaba covering all of Africa.

More than 100 United Nations Member States are parties to these agreements. With Antarctica included, they form a nuclear-weapon-free mantle over a vast, densely populated area of the southern hemisphere.

Notwithstanding the fact that each of these zones and agreements has its own regional characteristics and concerns, their experience and example will serve as guideposts for the establishment of nuclear-weapon-free zones in other parts of the world. I encourage such efforts, which are now under way. Additional nuclear-weapon-free zones, if agreed to by the States of the region and other concerned States, would be a boon to regional security cooperation, would contribute to non-proliferation and disarmament and would represent a further step in the direction of a nuclear-free world.

**Message delivered on 15 September 1997, Tashkent, Uzbekistan.*

I am aware that governments in Central Asia, guided by their desire for political interaction and cooperation, have begun efforts to promote the creation of a nuclear-weapon-free zone in this region. In this connection, I welcome the initiative that led to the signing of the Almaty Declaration.

The elimination of nuclear weapons, a goal shared by all humanity, is a feasible long-range objective. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) represents the single most important effort of the international community in this direction. The indefinite extension of the NPT, and last year's adoption by the United Nations General Assembly of the Comprehensive Nuclear-Test-Ban Treaty, have strengthened considerably the nuclear non-proliferation regime.

Still, uncertainties and serious challenges remain, in both the nuclear and conventional fields, and a new international security agenda must be agreed that takes account of our rapidly changing world. Towards these ends, I offer you my best wishes for the success of your deliberations.

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Common Concerns, Common Interests: Building Regional Stability, Peace and Prosperity

Igor V. Ivanov

The Russian Federation attaches great importance to the initiative of the President of Uzbekistan, Islam Abduganievich Karimov, of convening in Tashkent such a representative international forum to discuss the initiative by the leaders of the five Central Asian States of transforming Central Asia into a nuclear-weapon-free zone. Representatives of nuclear Powers, and also of influential international organizations—the United Nations, the Organization for Security and Cooperation in Europe, the International Atomic Energy Agency and the Organization of the Islamic Conference—travelled to Tashkent. In a word, a quorum was convened for ensuring comprehensive and constructive study of the idea of establishing a nuclear-free zone in a region of the planet that is of vital importance from all points of view.

The positive reaction of the international community to the initiative of the Central Asian States affords yet further evidence of their growing influence in the world. It was symbolic that Tashkent was the venue for the holding of the Conference. Over the comparatively short time it has existed as an independent State, Uzbekistan, under the leadership of President Karimov, has played an active role in world affairs,

Igor V. Ivanov is First Deputy Minister for Foreign Affairs of the Russian Federation.

This article is based on a presentation made at the International Conference.

stating its positions with confidence. Its constructive foreign policy is universally acknowledged. Uzbekistan's views are taken into consideration, and its opinions have weight on all topical issues of international politics, especially those relating to the problems of the Central Asian region.

The Russian Federation regards the initiative put forward by the presidents of the five central Asian States for the establishment of a nuclear-weapon-free zone as yet further evidence of their desire to promote a strengthening of the nuclear non-proliferation regime, contribute to nuclear disarmament and promote the establishment of a higher level of trust and stability not only in Central Asia, but throughout the world.

The Russian Federation is making constant efforts in the same direction. Suffice it to recall the agreements we have reached, together with our partners in Central Asia and China, on strengthening confidence along our common borders. As a result, it has been possible to create a qualitatively new situation of mutual trust, predictability and stability which, in the words of the President of the Russian Federation, Boris Yeltsin, is a necessary prerequisite and a condition not only for transforming our border into a zone of peace and cooperation, but also a guarantee of the further strengthening of friendly relations and partnership between our countries.

Central Asia is a region with which the Russian Federation is linked by a common history, a multiplicity of political, economic and cultural ties and agreements aimed at ensuring the security of our countries.

Central Asia is a region with which the Russian Federation is linked by a common history, a multiplicity of

political, economic and cultural ties and agreements aimed at ensuring the security of our countries. In other words, this is a region of our common concerns and our common interests, principal among them stability, peace and prosperity for the Central Asian peoples and their neighbours, including, of course, the Russian Federation.

The efforts of the five States to free their territories forever from nuclear weapons reflect the search they are engaged in for more effective ways of freeing mankind from the threat of nuclear conflict. The Russian Federation is prepared to cooperate comprehensively with them in this area on the basis of a common vision of the contours of the new world order that is replacing confrontation between blocs. That coincides with a fundamental aspect of Russian foreign policy, that of promoting the construction of a multipolar world.

Our position of principle regarding nuclear-weapon-free-zones remains unchanged. We support the desire of States to promote the strengthening of the nuclear non-proliferation regime in their regions through additional measures that would reliably guarantee their truly nuclear-free status. We take the same approach to the idea of a nuclear-weapon-free zone in Central Asia. We also take into account the important fact that all five countries behind this idea have acceded to the Treaty on the Non-Proliferation of Nuclear Weapons and have already assumed firm and unambiguous obligations never to acquire or to construct nuclear weapons. Thus, the key elements of a nuclear-free zone are to a certain extent already present, thanks

The Russian Federation is prepared to cooperate... on the basis of a common vision of the contours of the new world order that is replacing confrontation between blocs.

to the responsible and far-sighted policy of the leadership of the five Central Asian States.

The key elements of a nuclear-free zone are to a certain extent already present.

A good deal of experience in the establishment of nuclear-weapon-free zones has been accumulated in the world. They have been established in Latin America, Africa and the South Pacific. In those regions, all the necessary procedures have been completed and all the agreements have been drawn up both among the participants in the zones themselves and with the nuclear Powers as regards respect for the nuclear-free status of these regions, and they have been given additional guarantees of the non-use of nuclear weapons.

Naturally, not everything went smoothly; a long, multi faceted and at times difficult dialogue was conducted with a view to taking into account all the elements of the zones to be established, including their geographical boundaries, their concrete limitations and the nature of the relationships between the participating States and other countries. What is important is that, ultimately, understanding was reached on all of these issues.

In Southeast Asia a process of this kind is still going on, and a number of issues also exist whose joint resolution by the countries forming part of the nuclear-free zone and the nuclear Powers will in the final analysis determine whether the agreement between the countries of Southeast Asia that has already been announced and has formally entered into force will become a strong instrument of non-proliferation that is respected and observed by the other States of the world.

In the context of establishing a nuclear-free zone, the Central Asian countries have a good deal to do in order to ensure that agreement is reached on the concrete objectives

and additional obligations the States are ready to assume in this connection. There are a good number of other questions that need to be answered. The work of doing so will not be easy, but the objective set is a noble one, and we are sure that both the nuclear States and international organizations will actively promote the attainment of agreed decisions.

I should like to emphasize once again that Central Asia and the problems associated with this region are among the priorities of Russian foreign policy. It would not be an exaggeration to say that we are extremely sympathetic towards the hopes and aspirations of the peoples and governments of the Central Asian States, and herein lies a guarantee that the Russian Federation's policy of strengthening friendship, mutual understanding and cooperation with these States will continue unchanged.

The Central Asian countries have a good deal to do in order to ensure that agreement is reached on the concrete objectives and additional obligations of establishing a nuclear-free zone.

This approach is fully consistent with the Russian Federation's strategic policy of comprehensively developing relations of friendship and mutually advantageous partnership with all the countries members of the Commonwealth of Independent States. A good deal has been done in this respect; a political dialogue is under way and the prospects for trade and economic links are increasing. One of the most important achievements, in our view, is the Treaty on Collective Security, and we intend to implement fully the obligations we have assumed under it. We believe that the joint efforts related to issues of strengthening international peace and security—which, as we understand it, is also the aim of establishing a

nuclear-free zone in Central Asia—will also be conducive to the strengthening of the Commonwealth.

Principles for the Establishment of New Zones

Li Jinxian

China has always respected and supported nuclear-weapon-free zones and has unconditionally undertaken not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. On the basis of this position, China has signed and ratified the relevant protocols of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the South Pacific Nuclear Free Zone Treaty and the African Nuclear-Weapon-Free Zone Treaty.

As a neighbour of Central Asia, China has enjoyed a good cooperative relationship with the five Central Asian countries. It appreciates and supports their efforts to establish a Central Asian nuclear-weapon-free zone with a view to promoting regional peace and security. It stands ready to work tirelessly with all countries, including the five Central Asian nations, for the maintenance of world peace and security and for the ultimate attainment of a total ban on and the thorough destruction of nuclear weapons.

The establishment of nuclear-weapon-free zones is of great significance for the advancement of nuclear disarmament, the prevention of nuclear proliferation and the promotion of international and regional peace and security. To this

Li Jinxian is Ambassador of China to Uzbekistan and was Head of Delegation to the International Conference.

This article is based on a presentation made at the International Conference.

end, we believe that the following principles should be observed with regard to nuclear-weapon-free zones:

1. Nuclear-weapon-free zones should be established by the countries concerned in the light of the realities of their region on the basis of mutual consultation and voluntary agreement.

2. Treaties on nuclear-weapon-free zones should be consistent with the purposes and principles of the Charter of the United Nations and should not lead to interference in the internal affairs of countries outside the region.

3. The nuclear-free status of nuclear-weapon-free zones should not be subject to the influence of any other security mechanism. Countries in nuclear-weapon-free zones should not use any pretext, including that of a military alliance, to refrain from fulfilling their obligations.

4. A nuclear-weapon-free zone should have clear geographical boundaries. It should not include continental shelves, exclusive economic zones or areas where disputes over territorial sovereignty or maritime rights and interests exist between the parties to the nuclear-weapon-free zone treaty and neighbouring countries.

5. Effective verification mechanisms, including International Atomic Energy Agency (IAEA) safeguards, should be established in nuclear-weapon-free zones to effectively prevent the proliferation of nuclear weapons.

6. The disposition of nuclear-weapon-free zones should be conducive to international cooperation among member States in the peaceful use of nuclear energy with a view to promoting their economic, scientific and technological development.

7. Nuclear-weapon States should respect the status of nuclear-weapon-free zones, undertake the corresponding obligations and commit themselves unconditionally not to use or threaten to use nuclear weapons against nuclear-weapon-free zones.

We believe that the aforementioned principles will contribute positively to the consolidation of existing nuclear-weapon-free zones and the establishment of new ones.

There is a saying in Chinese that goes, "A journey of a thousand miles begins with a single step". I believe that this Conference will lay a solid foundation for the establishment of a nuclear-weapon-free zone in Central Asia.

Documentation Relating to Disarmament and International Security

Statement by the Ministers for Foreign Affairs of the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan*

Signed at Tashkent, 15 September 1997

The proliferation of nuclear weapons on the planet is a grave threat to the survival of humanity. Not only are nuclear weapons capable of destroying everything created by mankind over the centuries; they could even obliterate life on earth.

In an era of nuclear disarmament, it is necessary to devise a new concept of peace based on the principles of renunciation of the use of force or the threat of force, and respect for the right of every nation to make its own choices—social, political and ideological—and to repudiate a policy aimed at the domination of others.

The Tashkent International Conference on the theme "Central Asia—a Nuclear-Weapon-Free zone", held on 15 and 16 September 1997, which recognized the indivisibility of regional and global security, reaffirmed the necessity of a collective contribution to the progressive development of the world community.

Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, inspired by the awareness of shared responsibility based on the unswerving desire to take joint action, expressing the unanimous view of their peoples, and having signed the Treaty on

*A/52/390, annex.

the Non-Proliferation of Nuclear Weapons and the Almaty Declaration:

—**Reaffirm** the need to declare Central Asia a zone free from nuclear weapons as an essential element in the strengthening of regional security;

—**Welcome** the aims and principles set forth in the documents of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

—**Welcome** the adoption of the Comprehensive Nuclear-Test-Ban Treaty, which was opened for signature by other States on 24 September 1996, and call upon all States which have not yet done so to sign this Treaty;

—**Express** their satisfaction that the countries which have voluntarily assumed the obligations arising from treaties establishing nuclear-weapon-free zones make up a significant part of the surface of the globe and are the authors of a new concept of nuclear security;

—**Consider** that the establishment in Central Asia of a nuclear-weapon-free zone is in the interests of national, regional and global security;

—**Call** upon the permanent members of the United Nations Security Council and on all States to support the initiative of the establishment of a nuclear-weapon–free zone in Central Asia and to provide every possible assistance in this endeavour;

—**Appeal** to other States to give assistance to the rehabilitation of lands, especially those contaminated by radioactive wastes, believing that it is essential to ensure environmental security in their own region;

—**Confirm** their readiness to expand and strengthen cooperation in the use of nuclear energy for peaceful purposes;

—**Request** the United Nations specialized agencies to set up a group of experts of the United Nations with the participation of experts from the regional group to examine forms and elements for the preparation and implementation of a treaty on the establishment in Central Asia of a zone free from nuclear weapons.

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Resolution on the establishment of a nuclear-weapon-free zone in Central Asia*

The General Assembly,

Emphasizing the importance of internationally recognized agreements on the establishment of nuclear-weapon-free zones in various regions of the world,

Recalling paragraphs 60, 61, 62 and 64 of the Final Document of the Tenth Special Session of the General Assembly,[1] the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons[2] and paragraphs 5 and 6 of the decision entitled "Principles and objectives for nuclear non-proliferation and disarmament" in the Final Document of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,[3] concerning the establishment of nuclear-weapon-free zones,

Recalling the Almaty Declaration of the Heads of State of the Central Asian States of 28 February 1997[4] and the statement by the Ministers for Foreign Affairs of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan on the establishment of a nuclear-weapon-free zone in Central Asia,[5] signed at Tashkent on 15 September 1997,

Reaffirming the generally recognized role of the United Nations in promoting the establishment of nuclear-weapon-free zones,

Convinced that the establishment of nuclear-weapon-free zones in various regions of the world can contribute to the achievement of general and complete disarmament,

Believing that the establishment of nuclear-weapon-free zones in various regions, including Central Asia, will help to strengthen peace and stability at both the regional and the global

*Resolution 52/38 S adopted without a vote by the General Assembly on 9 December 1997.

levels and is in the interests of the security of the States in the Central Asian region,

Welcoming the offer of the Kyrgyzstan to hold a consultative meeting of experts on the establishment of a nuclear-weapon-free zone in Central Asia in Bishkek in 1998,

1. *Calls upon* all States to support the initiative aimed at the establishment of a nuclear-weapon-free zone in Central Asia;

2. *Requests* the Secretary-General, within existing resources, to provide assistance to the Central Asian countries in the preparation of the form and elements of an agreement on the establishment of a nuclear-weapon-free zone in Central Asia;

3. *Decides* to consider the question of the establishment of a nuclear-weapon-free zone in Central Asia at its fifty-third session under the agenda item "General and complete disarmament".

Notes

1 Resolution S-10/2.

2 United Nations, *Treaty Series*, vol. 729, No. 10485.

3 NPT/CONF. 1995/32 (Part I), annex, decision 2.

4 A/52/112, annex.

5 A/52/390, annex. (Reproduced in this issue.)

BOOKS RECEIVED

The following is a list of books maintained in a permanent collection at the Centre for Disarmament Affairs Reference Library for the use of diplomats, United Nations staff members, Disarmament Fellows, students, researchers and representatives of non-governmental organizations working in the fields of arms regulation, disarmament and international security.

The Centre wishes to thank the publishers, institutions and organizations that sent the books for their continued collaboration with its Library.

About Turn: The Transformation of the South African Military and Intelligence. Jakkie Cilliers and Markus Reichardt, eds. South Africa, Institute for Security Studies, 1996. 270 p.

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Litho in United Nations, New York
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A periodic review by the United Nations